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The Sheriffs of the County of Kent,
c. 1580 - c. 1625

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Abstract

The sheriffs of the county of Kent during this period were substantial members of the gentry - some more substantial than others - and derived their livelihood mainly from their positions as landlords in Kent, and sometimes in other counties too. They were drawn from the ranks of those who between them undertook the various tasks which went toward governing the county, from that of justice of the peace to that of Lord Lieutenant.

Though it is probable that they supervised county elections, attended the assizes and welcomed distinguished visitors to the county, it is unlikely that they performed many of the routine shrieval duties themselves. This responsibility was placed in the hands of the under-sheriff, a man of humbler social origins acting in the high sheriff's name. He organised the shrieval business, though it was largely executed by the bailiffs serving under him in limited areas, of which they had intimate knowledge.

The sheriff's military power and the status of his courts had dwindled by this time, and his real significance must be sought elsewhere. The courts of the realm exercised their functions on the basis of various writs which brought juries and defendants into the courtroom, and then, in cases of debt in particular, discharged the

judgements given there. Because the sheriff was responsible for executing all writs, his work was of fundamental importance to society and government alike. The days when he collected the king's revenue himself were gone: but if he were armed with the right writ, he alone had the power to take action against men who owed considerable sums of money to a financially hard-pressed government.

List of Contents

Abbreviations	5
Chapter 1 : Introduction	6
Section I	
Chapter 2 : The Families : Social Origins and Status	26
Chapter 3 : The Wealth of the Sheriffs	54
Chapter 4 : The Sheriffs as Governors	93
Section II	
Chapter 5 : The Sheriff, his Under-Sheriff, and the Bailiffs	127
Chapter 6 : The Financial Responsibilities of the Shrievalty	163
Chapter 7 : The Judicial Work of the Shrievalty	214
Chapter 8 : Sheriffs' Fines	261
Chapter 9 : The Sheriff, the Justice and the Lord Lieutenant	286
Chapter 10: The Role of the Sheriff in Kent	296
Appendices : A : Biographical Notes	317
B : The Sheriff accounting at the Exchequer	402
C : Writs	408
Bibliography	412

Abbreviations

<u>APC</u> :	<u>Acts of the Privy Council</u> , ed. Dasent.
<u>Arch.Cant.</u> :	<u>Archeologia Cantiana</u>
Berry :	W.Berry, <u>Pedigrees of the Families of Kent</u> (1830)
BM :	British Museum
<u>CPR</u> :	<u>Calendar of Patent Rolls</u>
CCC :	Canterbury Consistory Court
CRO :	County Record Office
<u>CSPD</u> :	<u>Calendar of State Papers Domestic</u>
<u>CSPF</u> :	<u>Calendar of State Papers Foreign</u>
Dalton :	M. Dalton, <u>Officium Vicecomitum</u> (1682 ed.)
<u>DNB</u> :	<u>Dictionary National Biography</u>
<u>EHR</u> :	<u>English History^{ical} Review</u>
Hasted :	E. Hasted, <u>History of Kent</u> (12 vols 1797-1801)
<u>Hist.of Parlt</u> :	Forthcoming Elizabethan section of <u>The History of Parliament</u> , edited by J.E. Neale
KRO :	Kent Record Office
PCC :	Prerogative Court of Canterbury MSS (Somerset House)
PRO :	Public Record Office
Shaw :	W.Shaw, <u>Knights of England</u> (1916)
<u>SR</u> :	<u>Statutes of the Realm</u>
<u>TRHS</u> :	<u>Transactions of the Royal Historical Society</u>
<u>VCH</u> :	<u>Victoria County History</u>

CHAPTER 1

Introduction

It is generally thought that by the late sixteenth century the sheriff's share in discharging the major responsibility of governing in the locality had become a very small one. Although he was once a powerful man in the county, the scope of his functions had undergone a severe contraction, so much so that one writer has described them as becoming 'more honorific'.¹ There can be no doubt that as an officer his importance was less than it had been in the distant past. 'The generation after the government of England was assumed by Norman officials was the time at which the sheriff's power was at its highest', but when our period opens in 1580, he was no longer 'undisputed ruler of the shire'.² Assessments of this kind are based on an impression of the nature of local government as a whole: there is, in fact, no close study of the shrievalty as such at this time. The sheriff has been neglected by and large it seems, because the sixteenth century is important for more obvious developments in the administration of the provinces; namely a heavy reliance on the justice of the peace, and the emergence of the lord lieutenant. It is

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1. J.B. Black, The Reign of Elizabeth (1959), p.214.
 2. W.A. Morris, 'The Office of Sheriff in the Early Norman Period', E.H.R., xxxiii (1918); G.R. Elton, The Tudor Constitution (1965 ed.), p.451.

hoped that this thesis will act as basis for testing the validity of this appraisal of the sheriff's role. Clearly a whole host of questions offer themselves for consideration.

The chapters which follow are divided into two sections, the first of which consists of an analysis of the biographical notes to be found in the appendices. They deal with the lives of the 44 men from 37 different families in Kent who were appointed during the 46 shrieval years from 1580 to 1625. The sheriff, by his very nature, was a country gentleman, but the first section consists of an attempt to investigate in some depth his social status, and any responsibilities he may have discharged apart from his service in the shrievalty.

A mere glance at the list of names will, however, reveal several men who achieved considerable prominence of one kind or another at some point in their lives: such are Edwin Sandys, whom James I found particularly troublesome in parliament, and Edward Wotton, Controller and Treasurer of the King's Household for some years, and privy councillor throughout the reign. Sandys and Wotton were exceptionally prominent, but their claims to special note should not be allowed to hide the fact that they were among no less than 20 of our men who became involved in politics at parliamentary level. They did not become outstanding members when they went to Westminster, but they shared

the distinction in their own circles of society which such service necessarily implied. Nor should it be forgotten that the fact they ~~they~~ had been returned to represent constituencies often meant that they had close ties with the constituency patrons whose support was essential for their election.¹ One of the topics for discussion in the first chapters will be the qualifications for serving as sheriff: less than half our men became members of parliament, and only 13 of them (less than one third of the 44) had had parliamentary experience by the time they were appointed to the shrievalty. Clearly, parliamentary service was not an essential prerequisite to appointment: it was not a form of apprenticeship or probation for the king's service in the locality. Nevertheless it is important for our attempts to define the sort of country gentleman who became sheriff to note that on more than a few occasions he had sat in parliament already, or that he would serve after his shrievalty. Some, like Samson Lennard and John Smith, were keen parliament men who sat in several sessions and for a number of constituencies throughout the country. Curiously, despite all this activity, Lennard never represented a Kentish constituency. On the other hand, William Cromer sat on only one occasion, in 1571 for Hythe, and George Fane, sitting in eight parliaments between

1. See History of Parliament.

1601 and 1640, never strayed beyond constituencies in Kent, and indeed he was elected for Maidstone four times between 1623-24 and 1640. In fact 13 of the 20 secured election for seats in their own county, and five of them, George Fane included, shared the extra distinction and prestige of becoming knights of the shire.¹

In view of these circumstances we might begin to suggest that the sheriffs were country gentlemen of a superior sort. Yet it is true that in several cases it has been impossible to produce anything more than a minimum amount of information. The obvious areas of investigation do not throw much light on Thomas Norton and Thomas Hamond for example, and they remain shadowy figures. But even where the sources are more rewarding they have their limitations for our purposes, and these will be discussed in the course of the early chapters. Despite these difficulties, it has been possible to construct a general picture which, it is hoped, will help to determine precisely what sort of gentlemen the sheriffs were: how far they were Kentish, rather than being strangers to the county; and how and where they fitted into the social hierarchy of the county by the time of their appointment. Their economic status was of course bound up intimately with these matters, and so the ways in which they derived their livelihoods will

1. E. Hales, E. Sandys, E. Scott and M. Finch the others.

be discussed, and we will offer some suggestions as to how wealthy they were. It has generally been accepted that the sheriff was not among those who conducted important government activity in the locality. It is a valid question therefore whether this isolation extended to the men who were chosen to fill the office: were they different from those who performed tasks of government which are generally supposed to have been of more immediate importance, or were they the same men, for whom the shrievalty was but one part of a life of governing activity? This question is taken up in the final chapter of the first section which is devoted to an examination of their political careers.

It is convenient at this stage to comment briefly on the educational backgrounds and religious views of this group^{of} men, for these topics are not dealt with in the first section for a number of reasons. As far as the education of the sheriffs is concerned, our picture must to some extent be an inadequate one. It is drawn from the available registers of schools, universities and inns of court. By and large it was the concern of those who compiled these documents merely to make a record of entries and admissions: the amount of information they reveal beyond a name, a date of entry, and possibly the acquisition of a degree, is minimal or non-existent. In some cases

it has been difficult to make positive identification because of these limitations, and so our final figures, which are intended to show to what extent the 44 sheriffs had been educated at these institutions, must be tentative. Moreover, they do not take account of any education of a less 'formal' nature which may as yet remain unrevealed to us.

Nevertheless, one or two points emerge strongly. In the first place, it seems unlikely that the sheriffs had been educated in their early years at the better-known schools. In fact Edwin Sandys, at Merchant Taylors' from 1571 to 1577, may have been the only man to be a pupil at one of these establishments. The sheriffs as a whole do not appear in the admission registers, presumably because their early education was conducted in their own households - or those where they were growing up - or in the lesser-known schools, such as East Sutton in Kent, where Edward Filmer is said to have been a pupil. On the other hand, many attended a university, an inn of court, or indeed both: in this way they confirm the picture of gentry education which has been noticed for some time by commentators on this period. All in all, 31 men (nearly $3/4$) are known to have attended at least one of these institutions,¹ a fact which is a good indication of their popularity with the gentry,

1. Aucher and Wotton not included: their admissions came late in life, and probably did not contribute materially to their education. Wotton is traditionally said to have been educated on the Continent.

and of the prominence of 'the educated gentleman' in this area of local government. No less than 26 (over $\frac{1}{2}$) of them had attended one of the inns, 17 becoming members of either Gray's or Lincoln's Inns. In contrast, only 14 were Oxford or Cambridge men, and of these 9 had gone on to an inn and are accounted for in the 26 men already discussed. Hence two points are of immediate interest: firstly, that the proportion of men who had had a 'formal education' is so high; and secondly, that the great majority of them derived it from one of the inns of court.

Thus a high proportion of our men were educated, in this sense, and they were distributed fairly evenly over the two halves of the period: 17 of the 31 served for Elizabeth, and 15 for James, Moyle Finch being counted twice since he served in both reigns. But Elizabeth appointed 16 of the 26 who had had some legal training, while James chose only 11 (Finch again counting twice). On the other hand, the queen chose only 5 men who had been to a university - all but one of them, Thomas Scott, going on to an inn - while James' sheriffs included 9 university men, five of whom went on to join an inn. In other words, while it is true that the proportion of educated gentlemen remains much the same throughout the period, the pattern of their education nevertheless changes to some extent over the years. A 'legal training'

was more apparent among Elizabeth's sheriffs than among James', though more of the latter had attended the universities. The following table summarises these similarities and differences

	<u>Edctd.</u>	<u>Univ.</u>	<u>Inn.</u>	<u>Both</u>	<u>Neither</u>
Eliz (23)	17	5	16	4	6
Jas (22)*	15*	9	11*	5	7
Total (44)	31	14	26	9	13

* Moyle Finch counted twice.

The religious views of the sheriffs are perhaps the most elusive aspects of their characters, for the evidence at our disposal is small in quantity and often fails to reveal the precise nature of those beliefs. It is however possible to establish an overall picture within certain broad limitations. Firstly, it seems most unlikely that any of the sheriffs were overt and convicted Roman Catholic recusants. On the other hand it may be that there were Catholics among them. For example, in 1626 the Archdeacon of Canterbury reported that Sir Thomas Norton had been absent from divine service for over a year. Previously, at the end of 1624, Norton had been given a pass to travel abroad, and it is significant that the privy council attached to this pass a proviso that he should not go to Rome.¹ But such provisos were common at this time,² and

1. See Norton biography.

2. A.P.C '23-25, passim.

Norton's recusancy may have been occasioned by reasons other than a Catholic faith. We have known for some time that Edward Wotton had become a Roman Catholic by the time he died, but there is now good evidence to believe that he had been so since at least 1612,. In view of the positions he held at this time, both at court and in the county, his conversion was indeed a remarkable one. Yet he kept his new faith a secret, and protestant writers dedicated their work to him.

Secondly, we know that some of the sheriffs were considered to be sound in faith. The names of Richard Baker, Robert Bing and William Cromer are among those on a list of men 'outwardly conformable' which the bishops sent up to the privy council in 1564. In later years Cromer was among those charged with keeping a watchful eye and a restraining hand on the recusants in the county as the danger from Spain grew. James Hales and Thomas Sandes, for example, were commissioned to disarm recusants in Kent in 1585 when Anglo-Spanish tension finally exploded into war.¹ Finally, although the wills of all 44 men have not survived, the existence of 26 of them provides the opportunity for a fairly wide appraisal of religious attitudes. It would be wrong to draw hard and fast conclusions from the religious preambles, if any, to these wills, though in the absence of better evidence they cannot be neglected: for

1. See also Harte, Lennard, Willoughby.

in many cases they serve to reveal something of the vigour and persuasion with which views were held. We have reason to believe that James Hales was committed to the Anglican Church in that he was among those limiting the activities of its enemies; but his will does not show him as a man who was particularly zealous in his faith: he devoted only a few conventional words to committing his soul to God. Justinian Champneys, William Sedley, Edward Filmer, George Fane and John Hayward also took little time to dispense with their souls before moving on to the business of settling their estates. But there are 12 men who were moved to take greater pains over their salvation, and in so doing they exhibit a faith in a protestant form of predestination, that is to say they were confident of their salvation with others of the elect through the merits of Jesus Christ.¹ It is interesting to note that both Richard Baker and his son Thomas are among this group, for Richard's grandfather is alleged to have been a forceful Catholic in Mary's reign.² The preamble to John Smith's will has a minor discourse on the frailty and transience of life: it passes 'as a shadowe and fallethe as the flower or grasse of the field', but he was confident that he had been

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1. R. Baker, G. Harte, T. Sandes and J. Smith under Elizabeth; T. Baker, J. Cromer, M. Dallison, N. Gilbourne, E. Hales, G. Livesey, E. Scott, W. Stede under James.
 2. See Chapter 'Families and Social Status'.

saved by Christ's merits and no other means. There is a similar degree of reflective and religious content in the will which George Harte had drawn up, though it may be that his views changed considerably over a short period of time: his pronouncements are not made in a preamble, but in a codicil appended to the original draft. In it he revoked the gifts of black gowns he had first of all made to his mourners, considering that they had been an aspect of his vain pomp. The money which had been set aside for the gowns should be spent instead for two purposes: the provision of materials for employing the poor; and a sermon to be preached once a year for seven years after his death. The preacher was to take as his subject the conflict between flesh and the spirit, which Harte himself had often experienced though he had always kept his conscience peaceful, as was common with the elect children of God. Harte was almost certainly a 'puritan'.

Thus while our knowledge of the religious attitudes of the sheriffs remains somewhat primitive, it does not seem likely that any of them actively opposed the Anglican settlement from the standpoint of Catholicism. We know too that some of them were called upon to defend it - along with the state - in a positive way. Beyond this it would be dangerous to impose any overall pattern. There are indications that there was a variety of strengths of

convictions, and it may be that there were those whose sympathies were 'puritan'.

In the second section some of the most important aspects of the shrievalty in Kent are discussed. No attempt has been made to provide an exhaustive survey of his duties and functions for a number of reasons. So far the quantity of evidence available on the local level has not permitted a detailed analysis of his activities in every sphere: in common with other counties, Kent lacks anything like a full corpus of shrieval records. But quite apart from this, there is no reason to suppose that the office in Kent differed in any crucial detail from what we already know of it in outline from other sources. The best modern summary of the sheriff's place in the constitution is still to be found in a work published more than forty years ago, and there are several studies of particular parts of the country in which he figures, albeit to a limited extent.¹ On the other hand, two contemporary works are of especial interest. Harrison's Description of England gives a brief but illuminating account of the sheriff's responsibilities and his staff.² This was written for general consumption; and much more detailed and 'technical' is Michael Dalton's

1. E.P. Cheyney, A History of England ... (1926), ii.342-58; T.G. Barnes, Somerset, 1625-40 (Oxford, 1961), pp.124-42; P. Williams, The Council in the Marches of Wales under Elizabeth (Cardiff, 1958), pp.25, 82, 120-22, 186; W.B. Willcox, Gloucestershire, 1590-1640 (Yale, 1940) pp.38-48 et passim.

2. Ed. by F.J. Furnival (1877), pt.1, pp 99 et seq.

Officium Vicecomitum, a comprehensive volume, first published in 1623, forty six years after the Description. Dalton's work is conspicuously a handbook for the guidance of gentlemen who were appointed to the office. The sheriff's authority was plainly set down

'... that such as hereafter shall undergo the place may more fully understand themselves and their duty and how to execute, or see to the executing of their said offices according to their oaths; whereby they shall the better perform their duties to God, their prince and their country.'

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Dalton's work is an exhaustive treatment of what the sheriff might and might not, ought and ought not, do; but beyond this it is the work of a man who was contemporary with the period under survey, and whose comments on the legal and procedural facts he collected are of great interest. It has been relied on again and again in what follows to illustrate particular aspects under consideration, and even to provide vital clues to an assessment of the relative significance of various parts of the sheriff's job.

The sheriff was a crown officer, appointed annually. According to most accounts there was a meeting in the exchequer on the morrow after All Souls' Day of the lords spiritual and temporal, the justices, the barons of the

1. M. Dalton, Officium Vicecomitum (1682 ed.), 'Epistle to the Reader'.

exchequer and 'certain other' officers.¹ These men put forward the names 'of everie countie three knights or esquires whom amonge other of the same countie they take to be of good disposicion and fame, best disposed to the office of a sheriffe ...'.² The monarch then chose the men who were to be sheriffs, 'pricking' their names with a bodkin on the list which had been presented to him.

The duties of a sheriff may be described broadly under three heads. In his judicial capacity he exercised a number of different powers, which may be conveniently outlined in Coke's words:

'He hath a three fold custodie, triplicem custodiam, viz., first, vitae justitiae; for no suit begins and no process is served but by the sherife. Also he is to retorne indifferent juries for the triall of men's lives, liberties, lands, goods etc. Secondly, vitae legis; hee is after long suits and chargeably, to make execution, which is the life and fruit of the law. Thirdly, vitae republicae; he is principalis conservator pacis within the countie, which is the life of the commonwealth, vitae republicae pax'. 3

Thus Coke highlights the sheriff's duty to execute all writs coming to him from the courts, and all process of the courts giving effect to judgements which had been given there, when they concerned men in his own county. Before Coke, Fitzherbert had also stressed this part of the

1. 9 Ed. II, st. 2; 14 Ed. III, st. 1, c.7 (Statutes of the Realm, i. 174-75, 283).
 2. BM Lansd. 1074, fo. 117a.
 3. E. Coke, Part I of the Institutes (1794), sect. 248.

sheriff's responsibility.¹ Apart from this the officer had wide powers of arrest in order to help keep the peace. For example, he must take measures against 'assemblies and riots' or 'outrageous numbers of people'. Loiterers and vagrants must be examined, and they should find security for their behaviour. He was authorised, with others, to take beggars who were begging outside their prescribed limits and put them in the stocks for two days and nights on a diet of bread and water; and he was also empowered to seize ^{the} ~~and~~ goods of another threat to the peace of society, the so-called 'Egyptians', or gypsies. He could arrest those who carried arms illegally and commit them to prison during the king's pleasure.² The custody of the county's gaols belonged to him 'as of right' so that he could fulfil these obligations.³

In addition to these measures against disorder, he was obliged to acquaint men of the restraints of the Statute of Westminster against homicide and so on by proclaiming it four times a year in the county court, which was one of his own courts, meeting once a month. A number of other statutes were to be proclaimed there too, but the court had functions other than being a means of publication.⁴ It could deal with minor civil actions arising in the county;

1. A. Fitzherbert, The Offyces of Shyryffes, Baylyffes ... (1552), fo. Ai a.

2. A. Fitzherbert, op.cit., passim.

3. BM Stowe 422, fo. 61a.

4. Dalton, pp. 378-79.

and it was here that the sheriff made the election of the knights of the shire to parliament. Criminal actions could be heard in another of his courts, the tourn, which met twice a year in each hundred.

The second important role the sheriff played was a financial one, and it arose from his position as ballivus comitatus. This made him responsible, as was any lord's bailiff, for the collection of his master's, the king's, rents and revenues in the county. Dalton considered that the size of this task had been reduced however by this time:

'... at this day this rather belongeth to the office of the king's receivers etc., or to the escheater to enquire thereof.' 1

Nevertheless, he was still charged annually with part of the traditional revenues arising from what was left of crown lands in the county, sums which have generally been regarded as of minor importance; Cheyney described them as 'old and not very profitable' revenues.² The collection of the profits of justice was his responsibility too, that is to say, fines imposed in the courts on men of his county, and 'issues' levied on jurors, bailiffs, constables and so on who had failed to appear to do court service.

These two items - traditional revenues and the profits of justice - constitute a good proportion of the money the sheriff was charged to raise each year and for which he

1. Dalton, p.47.

2. Cheyney, op.cit., p.349.

had to account at the exchequer. But he was empowered to disburse part of it for the purpose of paying those who performed crown service, or who drew pensions or annuities from the king. He could also claim allowances for expenses incurred in the performance of his own duties.

The third most important part of the sheriff's functions was the provision of hospitality on various occasions. When the justices of assize came into the county it was the sheriff who saw to their accommodation and their board, and he might do the same for any commissioners who had been instructed to enquire into special causes in the area. At a higher level, he could be asked to arrange for a suitable reception for a monarch when he entered the county on a royal progress. The principal gentlemen of the area seem to have mustered on these occasions, as indeed they did when the sheriff received foreign ambassadors and visitors entering the county and travelling through his bailliwick. His competence here was not clearly defined however, nor was it his exclusively. In this and other respects, as we shall see, the sheriff's position was a flexible one.

In order to exercise these duties the high sheriff could call on the services of a number of subordinate officers. The most important of these were the under sheriff and the bailiffs.¹ The under sheriff was a

1. There were others, for example, a clerk at each court at Westminster to receive writs directed to the sheriff of his county.

general deputy who could have much of the sheriff's duties committed to him, and was thus called by Dalton 'a shadow of the officer'.¹ It was this deputy, acting in the sheriff's name, who co-ordinated the activities of the bailiffs of the shire. There were twelve of these in Kent, and they had their own jurisdiction within one part of the county only, usually a hundred or a group of hundreds. In this way the burden of the execution of the office was shared, though clearly the under sheriff's responsibility for directing work to them in the first place remained a large one. In order to keep the shrievalty efficient and free from corruption, the bailiffs were to be 'true and credible persons'. They should also be men 'as do know each man's person and land in the hundred'.² It was clearly intended that the work of the shrievalty should rest on the shoulders of honest men who commanded a collective expert knowledge of the county and its people.

All these matters are discussed in the second section which opens with an examination of the shrieval staff. As we know, the sheriff was appointed annually, and most men served on one occasion only. There are thus almost as many individual sheriffs as there are shrieval years, so that at the highest level of the official hierarchy there was no continuity of personalities. It is all the more

1. Dalton, pp. 3, 455.

2. Dalton, p.457.

important therefore, to be able to see whether the high sheriffs themselves played an active rôle during their year in office, or whether the major and regular part of the work was conducted by subordinate officials. The chapter on under sheriffs and bailiffs deals with this issue, and attempts to identify the men who did the real work throughout the period. In this way we shall also be able to see if the staff changed annually at all levels.

The work of the shrievalty has been considered by some writers, as we have seen, to be unimportant. The financial duties in particular are not credited with much significance. Cheyney observed that the revenues the sheriff collected 'could never compete in amount with parliamentary taxation or the proceeds of the custom house'.¹ All views of this sort start from the assumption that the sheriff's value as a revenue officer depended on, and can be measured by, the amounts of money he succeeded in netting directly for the exchequer: it is an assumption which requires close investigation. It is hoped that an answer to this problem will emerge in the course of the general discussion of the sheriff's financial responsibilities. A number of exchequer documents, principally pipe rolls, have been analysed in order to reveal, among other things, the extent to which his old position as custodian of the king's

1. Cheyney, op.cit., pp. 349-50.

revenues was intact at this time. Yet it is the whole of the sheriff's work, not just his financial activities, which is considered by some writers to be unimportant. His responsibility for returning the knights of the shire to parliament is well known and it was a large one; but since parliaments were relatively infrequent, an election and the work it involved may not be regarded as an essential part of every sheriff's tasks. In this case, we shall have to determine the nature of the major part of his tasks, and assess its significance. What made up the normal routine of the work? How heavy a burden was it? Was it an easy task? Did anyone stand to gain or lose by it? How efficiently was it performed?

CHAPTER 2

The Families : Social Origins and Status

By 1580 the sheriff had been required for almost two hundred years to be resident within his county during his term of office.¹ He was also required by law to have sufficient lands by which he could be made accountable for any shortcomings in his official activity. The implications of the latter stipulation for the sheriff's position as a landholder will be discussed in another chapter, but for the moment it is useful to examine the way in which he fitted into Kent society in less definitely material terms.

Despite the fact that many of the families could claim to be 'ancient', the Kentish ancestry varies considerably from individual to individual. It can be shown that 23 of the 37 families under consideration here were in Kent before the sixteenth century: they provided sheriffs for 32 of the years from 1580 to 1625. In a number of cases it is likely that the family had been resident there for centuries before 1500. The ancestors of Justinian Champneys for instance, who became sheriff in November 1583, are supposed to have entered the county with the Conqueror. Their residence there after that time was not continuous however, and Justinian's own grandfather was a Somerset man,

1. 4 Hen.IV,c.5, SR,ii,134.

while his father had moved to London and bought Hall Place in Bexley before he died in 1556.¹ Hasted believed that Sir Anthony Aucher's family (sheriff 1613-14) had held an exalted position in the county as early as the ninth century:

'Alcher, Ealcher, or Aucher was the first Earl of Kent I have seen any mention of who also had the title of Duke'. 2

Others among these long resident families had taken their name from the place in which they had lived. Thus the family of Hardres (Richard, sheriff 1588-89) was probably living at Upper Hardres around 1080, and adopted the name of the manor which it subsequently came to hold,³ and where Richard kept his shrievalty hundreds of years later. It is likely that the Twisdens too were named in this way, from the den of Goudhurst which they inhabited in the thirteenth century.⁴ Measured against such standards, the Kentish histories of other old families like Fane, Cromer, Lennard and Finch are short.⁵ The Cromers had entered the county only in the early part of the fifteenth century as a result of the marriage of William, citizen, draper and Lord Mayor of London, to a daughter of William Squeries of

1. Berry, p.39; also see biographies throughout.

2. Hasted, i, 110.

3. Ibid. viii.35; ix.305.

4. J.R. Twisden, The Family of Twysden and Twisden (1939), pp. 3,13.

5. Hasted, iii.108; vi.301-02; Miscellanea Genealogica et Heraldica (1st ser.),ii.325-37.

Westerham. Previously, the family came from Hertfordshire.¹ The Fanes had attained yeoman status at Tonbridge by about 1450, and although their pedigree claims an ancient and noble Welsh descent, this has been questioned, principally on the grounds that it was concocted in order to enhance the family's respectability for the impending marriage of Thomas, the elder brother of sheriff Thomas (1580), to Mary the daughter and heiress of Henry Lord Abergavenny.²

A much smaller number of the 37 families probably became native during the first half of the sixteenth century: they are the Bings, Hamonds, Hartes, and Willoughbys, but only the movements of the last two can be traced with any precision.³ Sir Thomas Willoughby, the grandfather of sheriff Thomas of Bore Place, Chiddingstone, was a younger son of the Willoughbys of Lincolnshire. He pursued a career in the law, and in due course married the daughter and coheiress of Chief Justice Robert Read. When Read died in 1518, Bore Place came to him and thus the Willoughbys moved into Kent.⁴ The Hartes of Lullingstone likewise moved into the county as a result of marriage. Their first representative there, Percival,

1. Hasted, vi.86-88.

2. O. Barron, 'The Fanes', The Ancestor, xii.4-18; Harl.Soc. Publctns., lxxv.(Kent Visitation 1592),42-4.

3. For the probable beginnings in Kent of Bing and Hamond see Arch.Cant.xlviii.179; Hasted,viii.113.

4. Arch.Cant.,i.41;v.28; Hasted,iii.133; E.Foss, The Judges of England (1857),v.231.

father of sheriff George, was chief sewer and harbinger to all the Tudors except Henry VII. His mother had ended her widowhood by marrying George, the brother of Lord Cobham, and when she died in 1543, Percival became entitled to the manor of Lullingstone by virtue of the marriage.¹

The remaining ten families appear to have entered the county subsequent to 1550 from a number of directions. In the case of the Dallisons the movement had been directly into Kent from Lincolnshire as a result of the marriage of sheriff Maximilian's father to Silvester Dene of Halling.² Similarly the Liveseys entered from Surrey.³ Otherwise the influence of London and commerce is marked, and in six cases where the family had moved into Kent from London a merchant background can be detected. Indeed, for five of them - the geographic origins of Rowland Hayward, the father of sheriff John, are not clear - the pattern of mobility which has already been noted for the Cromers in the fifteenth century, is repeated. These five had deserted another county for London from where they later moved further southeast into adjacent Kent. Sheriffs Barnham, Smith, Gilbourne, Withens, and Beswick all came from London

1. Hasted, ii.543.

2. Berry, p.182; Hasted, v.61-2.

3. Harl.Soc.Publctns.xlii (Kent Visitation,1619) 102-3; see Berry, p.258, A.Hussey, Chronicles of Wingham (Canterbury,1896) p.186 for Palmer from Sussex to Kent, and Berry, p.41 for Sandys from Yorks.

families which had recently been resident in counties as far apart as Southampton, Wiltshire and Yorkshire.¹ They were all sons of men who had commercial interests in the capital, sometimes also taking a part in its government: Sheriff Barnham's father came to London after his own father's estate went into decline in Southampton, and he later became Sheriff of London; John Smith's father, the famous Customer, continued in his father's profession as a clothier, though the sphere of operation was moved from Wiltshire to London. William Beswick was the son of an alderman of the City who was a prominent Merchant Adventurer.

The movement of these ten families had been fairly recent. Although his father bought land in the county in 1571, sheriff Gabriel Livesey himself may have been responsible for the real move to Kent, since he started his own life in Surrey.² There are six cases of this sort where the sheriff may well have been the first representative of his family in the county, the others being: Barnham (1598), Withens (1609), Sandys (1615), Beswick (1616), and Hayward (1623).³ The other four sheriffs in this group

1. Harl.Soc.Publctns. xlii.168-69,113-14,192,188,152-53.

2. Collectanea Topographica et Genealogica, iii.311; Arch.Cant., xiv.379; Harl.Soc.Publctns., xlii.102-03.

3. However the Haywards of Gillingham seem to be another branch of the family who had been resident for longer: Harl.Soc. Publctns. xlii.24; Arch.Cant. lxi,169.

were only the second generation of the family in the county at the most: John Smith for example inherited estates at Westanhanger, which his father had purchased presumably out of the proceeds of his work in the City. In this way the Customer had been both of London and of Kent, but his son John inherited a status which could be essentially that of a country gentleman.¹

Hence it is possible to form some idea about the extent to which the office of sheriff was falling to well-established families in the county. Ten men have been isolated as being relatively 'new' in Kent: seven of them served for James; and five of the six founder members of their families are among this number.² On the whole then, about one third of James' twenty two appointments were from families who had come to Kent some seventy, or less, years before. On the other hand, prior to James' reign, Elizabeth had appointed three of the four sheriffs whose families had moved into the county slightly earlier, in the first half of the century.³ It is difficult therefore, to draw any hard and fast distinction between Elizabeth's and James' predilections for, or aversions to, newcomers. And when the remaining sheriffs of the older, 'indigenous' families are considered, the similarity between the two halves of the period becomes even more obvious. As has

1. DNB sub Smith, Sir Thomas.

2. Withens, Gilbourne, Dallison, Sandys, Bewwick, Livesey, Hayward.

3. Harte, Willoughby, Bing.

been shown, twenty three of these families provided sheriffs for thirty two of the forty six shrieval years concerned ($3/4$). This proportion remained fairly constant throughout: eighteen of Elizabeth's twenty three ($3/4$) men came from this group, compared with a slightly lower figure of fourteen ($2/3$) out of twenty two for James. The king may have shown a great readiness to call on the very recently established families, but this is not to say that in so doing he was ignoring the older families much more than the queen had done. Throughout the period, the sheriff of Kent remained Kentish in a very real sense, except in a few instances.

Nonetheless, some of these twenty three families had come to occupy a superior social status within the county before the others. A list of some hundred and eighty names 'of the gentils of Kent' in the time of Henry VII includes only twelve of these families, supplying sheriffs for seventeen years.¹ While it is not certain that this list is a complete record of the gentry of the county, it is likely to be a full catalogue of its prominent gentlemen: it remains true that Elizabeth and James made full use of the older families, though only a proportion of these are likely to have enjoyed a leading

1. BM Cott. Faustina E 11, fos. 222a-223b, printed in Arch. Cant. xi. 394-97: Cromer, Scott, Kemp, Roberts, Sandes, Aucher (Auger), Fineux, Wotton, Norton, Hardres (Hardys), Twisden (Twissendon), Finch.

position in Kentish society at the end of the fifteenth century. This does not mean that the remaining sheriffs were socially inferior men by the late sixteenth century. As a whole, the families had achieved and consolidated a superior standing in Kentish society; and in this way appointments to the shrievalty recognised families who had made social gains over the last century or so.

Without a detailed study of each family, it is impossible to indicate precisely how this happened, but in a few cases a fuller account of the process may be given. The Bakers had been resident in the county at Cranbrook since at least the reign of Edward III, but they had only come to Sissinghurst itself around 1500. They do not appear in the list of gentry of Henry VII's reign, and it is likely that Thomas Baker, who was responsible for acquiring part of the manor of Sissinghurst, and who is called 'esquire' on the family monument in Cranbrook church, himself elevated the family to the squirearchy on the basis of his land investment. His grandson Sir John, who was the father of sheriff Richard, bought the rest of the manor and added a knighthood and an impressive list of government offices to the family's credit.¹ In the latter part of the sixteenth century the Fanes married into the noble stock of the Nevilles, but their rise

1. Berry, p.216; W. Tarbutt, Cranbrook Church Annals ... (1870-75, Cranbrook), pt.2, p.28; Hasted vii, 100-01.

previous to this had been more gradual and far less spectacular. Henry of Tonbridge, living in the first half of the fifteenth century, seems to be the first Kentish member of the family on record. His son John remained 'yeoman', but his grandson, Richard of Tudeley, married a gentleman's daughter, and is called 'gentleman' himself in many documents. It was Richard's son George, of Badsell, the father of sheriff Thomas, who finally consolidated the family's position among the gentry of the county.¹

As a whole the sheriffs were in fact drawn from backgrounds of considerable standing. More precisely, they were in most cases sons of not less than knights or esquires: this is true of at least 37 (more than 3/4) of them.² Twenty of these were among Elizabeth's twenty three men, and the remaining seventeen among James' twenty two: to all intents and purposes then the proportion of established gentry serving in the office remains the same throughout. The remaining sheriffs were not inferior: their fathers are not commonly called knight or esquire, though their lofty callings suggest that they were entitled to these styles. Indeed the status of Edwin Sandys' father as Archbishop of York, and a large landowner, was

1. O. Barron, 'The Fanes', The Ancestor, xii.4-18.

2. In only 2 cases of the 44 is it impossible to ascertain the father's status.

extremely high. Both Willoughby and Fineux came from Kentish gentry families, and their grandfathers had served as judges under the earlier Tudors.¹ Barnham and Withens were sons of sheriffs of London.²

It is evident that in some cases this social standing was in part a reflection of the performance of important functions in government and society: just as Sandys' father served the church, Harte's served the crown as sewer and harbinger. A good proportion of the sheriffs were the sons of men who had reached fairly exalted heights in government of one sort or another, men whose claims to distinction rose beyond those attaching solely to social status. John Baker, father and grandfather of sheriffs in this period, was closely associated with the central government in the middle of the sixteenth century. Attorney General and Chancellor of the Exchequer to Henry VIII, he was later one of Edward's councillors. Retaining this position under Mary, he earned the sobriquet of 'Bloody Baker' for his enthusiastic support of the Catholic reaction.³ Roger Manwood distinguished himself as a judge of the Court of Common Pleas, but not altogether favourably.⁴ We have seen too that some of those families who moved into the county

1. Harl.Soc.Publctns., lxxv.48-9; Arch.Cant., liii.88-9.

2. Harl.Soc.Publctns., xlii.168-69;

3. W.W.Martin, A Glimpse at Cranbrook (Cranbrook), pp.16-17, citing Foxe's Acts and Monuments, viii.321.

4. DNB sub Manwood, Roger.

from London participated in the government of the City at a high level. Between them, the fathers of Champneys, Barnham, Withens, Beswick and Hayward provided alderman, sheriffs and a lord mayor for London.

Without exception the sheriffs were themselves knights or esquires, and three quarters of them were knighted at some point in their lives. Beyond this, a number of them, or their families, rose to greater heights. The creation of the new degree of baronet allowed the overt purchase of social distinction, and five sheriffs, three of whom had served under Elizabeth took advantage of the position, as did the son of a sixth, Roger Twisden.¹ In the flood of Irish titles distributed in 1628, sheriff John Smith's son was created Viscount Strangford of Ulster.² Samson Lennard of Chevening, sheriff in 1591, seems to have had large ambitions and came close to realising them. He was the son of John a protonotary who, according to Strype, 'depended' on Sir William Cecil.³ In 1563 Cecil intervened between Samson and the poet Barnaby Googe who were both candidates for the hand of Mary Darrel, daughter of a substantial Kentish gentleman. He came down on Googe's side, and as a result, John Lennard is said to have talked

1. See chapter on the wealth of the sheriffs for the financial implications of these purchases.

2. GEC, Compl.Prge. xii, pt.i, 358.

3. Strype, Parker (1821), i.286-87.

plainly to Secretary Cecil: because he was a rich man, he implied that he could afford to drop the suit which might have brought him substantial financial gains. In the following year in fact his son made a better match by marrying Margaret, the daughter of Thomas Fiennes and sister of Gregory Baron Dacre of the South. Gregory died without issue in 1594, and Margaret claimed the title in her own right, a claim which was investigated by a commission and finally allowed in 1604. From 1596, however, Samson himself began to press a claim to be called to the Lords on the basis of Margaret's title. After her death in 1612, he was on the point of being summoned in her barony, but he was only allowed the precedence due to an heir apparent: the full title went to his eldest son.¹ By the end of the period the Fanes could also boast a title through marriage. The elder brother of sheriff Thomas married Mary Neville, daughter and heiress to Henry Lord Abergavenny, but her claim to the title on her father's death was unsuccessful. However the Lords did give her the Barony of Le Dispenser, and in 1623 her son Francis was created Baron of Burghersh and Earl of Westmorland.² But Sir Edward Wotton, sheriff in 1594, has probably the greatest claim to honour in his own right. He too married

1. GEC, Compl.Prge., iv, 11-12.

2. O. Barron, Northamptonshire Families (1906), pp. 84-5.

into a titled family: his second marriage, to Margaret the daughter of the third Baron Wharton, took place in September 1603. By that time Wotton had already gained his own Barony of Marley, conferred in May of that year, after full and active service in government.¹

The Lennards' links with Cecil draw attention to the fact that many of the sheriffs were well connected and had friends, or patrons, in high places. In view of what has been said about their gentry status and the fact of their involvement in other local government activity supervised from the centre, this is far from surprising. It does confirm the overall picture, and it highlights the fact that the sheriff was being drawn from a relatively closed section of society: that this aspect of local government was in the hands of men who were known in select circles. By 1588, Leicester, as lieutenant general of forces for the defence of the state, had appointed Moyle Finch to a colonelcy of a foot regiment.² Richard Hardres was also involved in some way with the Dudleys, being one of their assigns in a wardship purchase in the early 1580's.³ As Lieutenant of Dover Castle Thomas Fane, and after him George Fane, was in fairly close and constant contact with

1. GEC, Compl.Prge.xii,pt.ii,865-67;DNB sub Wotton, Edward, 1st Baron.

2. HMC Finch, i.26-8; APC xvi.192.

3. PRO Wards 9/385 fos.40a,90a,155a.

with Burghley and Cecil. Undoubtedly he was a trusted official, and when illness compelled him to resign in 1603 Cecil wrote to him saying that since he was 'desirous by reason of the infeccion to retyre your selfe from Dover Castle and substitute some other in your steede' he might chose someone to replace him who could do the job as well as he had done.¹ In the latter part of 1607 Sir James Cromer was corresponding with Salisbury about cases of child murder and coining in Kent, which Salisbury appears to have been following closely.² These are obvious examples of connections of some sort with men of great prominence, but there were other links, sometimes the result of kinship, which are nonetheless important. Sheriff Aucher's maternal grandfather was archbishop Sandys; and by 1618 at least, Aucher was on friendly terms with Dudley Carleton, sending his wife homely gifts.³ John Sedley was probably closer to Carleton, for in a letter Chamberlain wrote to the ambassador he referred to Sedley as 'the first and cheife of your acquaintance'.⁴ As the son of the Archbishop, Sheriff Edwin Sandys' links with the Elizabethan church dignitary were even closer than Aucher's; furthermore he soon drew near the new dynasty

1. BM Add. 38139, fo. 193b.

2. HMC Salis., xix. 258, 271.

3. PRO SP14 /96/32.

4. PRO SP 14/117/68 (Nov. 1620)

when he was appointed one of Queen Anne's council.¹ In two other cases, marriages supply evidence of links with prominent Crown officials: Robert Bing married a stepdaughter of Sir John Mason, Chancellor of the Duchy of Lancaster, and apart from the social value of the union, it brought Bing his Wrotham seat in Kent.² By the second of Norton Knatchbull's marriages he became the son-in-law of John Astley, Master of the Jewel House and Groom of the Chamber under Elizabeth.³

In itself marriage was extremely important as a way of retaining a position as a part of the gentry network, or indeed for becoming established in Kent society. In view of what has been said of the sheriffs' status, it would be surprising if their wives had not been the daughters of at least esquires or knights, and men who were part of the landed squirearchy. Indeed, we can show this to have been so in 36 cases out of the 44: were our information complete, the proportion would probably be higher. For a newcomer to the county like Martin Barnham, such a marriage, with a daughter of a Kentish gentleman, served the purpose of helping him to make his way into the circle of the county's gentry. His movement into Kent has been clearly mapped out in his son's account of his life. Around 1570,

1. BM Add. 38139, fo. 104b, cited in J. Nichols, Progresses of King James I (1828), i. 268, n. i.

2. CPR 1555-57, p. 335; Harl. Soc. Publctns. lxiv, 20.

3. Berry, p. 298; DNB sub Astley, John.

4. T. B. Lennard, 'An original manuscript of Sir Francis Barnham', The Ancestor, ix. 191-209.

Barnham's father had bought the Kentish manors of Bilsington on the northern edge of Romney Marsh, which he intended should descend to Martin, who had just embarked on a five year stay at Gray's Inn. Negotiations for a marriage were set in motion, and it was at this point that Martin's contacts with Edward Wotton, his contemporary at Oxford, and sheriff in 1594-95, became valuable: it was arranged that Barnham should marry Ursula Rudstone of Boughton Monchelsea in Kent, a daughter of a cousin of Wotton's. Some four years after, when Martin's father died, he entered his full Kentish inheritance, already expanded by his own purchase of the lease of Hollingbourne parsonage in central Kent.¹

Indeed, taking account of three generations - the sheriff's, his father's and his son's - all ten of the newer families except the Palmers became associated at some point through marriage with the already resident gentry families in the county. In seven cases the sheriff himself was responsible for the alliance, Smith and Withens marrying into other sheriffs' families (Fineux and Gilbourne), and Dallison and Livesey both marrying daughters of Michael Sandes.²

It has been said that marriage between Kentish families indicates a basic characteristic of gentry society: it was

1. Ibid. 194-96.

2. The other three were Barnham, Gilbourne and Beswick.

close-knit and enclosed within its feeling of local identity. In many respects this is true, and it is reflected in the marriages of all our families, and not merely the ten recent arrivals we have just been discussing. At some point in these three generations, all but one of the families under survey here became linked to one or more families who were an integral part of Kent society.¹ Again the exception to this is the Palmer family, who do not seem to have committed themselves to the county in this way. Sometimes a particularly local outlook is apparent. The Hales family of Canterbury and Woodchurch (sheriffs in 1586 and 1608), are a case in point: sheriff James himself married a sister of Thomas Kemp of Wye; sheriff Edward's first wife was the widow of James Cromer of Tunstall. Apart from these, there were unions with families from other parts of east and south Kent such as Thanet, Tenterden, and Nonnington. The Roberts' likewise drew heavily on families from within a radius of a few miles of their own residence in Cranbrook: Smarden, Brenchley, Bedgebury, Goudhurst, and, slightly further afield, Stockbury near Sittingbourne, supplied husbands and wives for the sheriff himself and four of his children. The following table will give some idea of how many families

1. A. Everitt, The Community of Kent and the Great Rebellion (Leicester, 1966) pp.35-36. See the genealogy references in the biographies.

contracted at least one marriage within a relatively small area of the county. It is based on the genealogies used in the Appendices, and the figures take into account the sheriff's father, the sheriff, and the sheriff's son, or the immediate relatives in those descents. The marriages have been classified under three heads: those made within twenty miles of the family residence; those within the county, but further afield; and those made outside the county. In many families examples of more than one of these categories are to be found.

<u>20 miles</u>	<u>Kent</u>	<u>Outside</u>
30 families	16 families	28 families

Thus we know that about three quarters of the families married within close range - less than 20 miles - of their residence at some point, though not all of them did so to the same extent as the Hales' and the Roberts'.¹ On the other hand, the figures show equally clearly that families also looked outside the county. Just as many of them had land in other counties, marriages were often made outside Kent's limits too: indeed, the phenomena are sometimes closely linked.²

These conclusions are confirmed by the following table which is drawn up on the same basis as that above, but is

1. But see Dallison, Edolphe, Filmer, Finch for marriages in same parish.

2. See chapter 'The Wealth of the Sheriffs'.

confined to the marriages of the sheriffs themselves. The picture it presents is almost complete, for only in 1 case of the 44 (Kemp) has it not been possible to determine with any certainty the place of residence of the sheriff's wife.

20 miles

Kent

Outside

25

6

22

Eight months after the death of his first wife, Ursula, Barnham married Judith Calthorpe, daughter of a future lord mayor of London.¹ Aucher also married a Londoner, and in so doing followed the example of his father and grandfather before him in not marrying into local families.² Between them, sheriffs Champneys, Fineux, Dallison, Norton and Hamond found wives in Cambridgeshire, Dorset, Oxfordshire and Sussex.³

A well-chosen marriage could be an obvious way of securing, maintaining or advancing status; it is more difficult to discover how serving as sheriff affected that status, but an examination of the pattern of distribution of knighthood among the men sheds some light on the matter. Three quarters of the forty four men serving in this period received a knighthood at some point in their lives;

1. T.B. Lennard, 'An original manuscript...' The Ancestor, ix.196; Harl.Soc.Publctns., xlii.168-69.
 2. Harl.Soc.Publctns., xlii.180-81.
 3. Berry, pp.38-40; Arch.Cant., liii.89; Berry, p.182; Harl.Soc.Publctns., xlii.79-81; BM Stowe, 618, fo.91a.

14 of Elizabeth's 23, and 20 of James' 22, Beswick and Livesey being the exceptions. Thus a good third of those who served for the queen remained esquires. Beyond this, a great disparity between the two halves of the period is evident, arising principally from James' freer granting of honours. Only about 1/5 of Elizabeth's men were knights on appointment, so that in the first half of the period the sheriff was usually an esquire, a pattern which is reflected in many other counties, from Surrey and Sussex to Cornwall and Cumberland. Subsequent to their term of office another three - including Michael Sandes who served twice - received the honour in this reign, but a considerable length of time elapsed between the two events, so that it is difficult to believe that the honour came as a reward for shrieval service alone. Thus Thomas Fane was knighted in 1598, eighteen years after his shrievalty in 1580.¹ Altogether then, only eight men received the honour in Elizabeth's lifetime, either before or after becoming sheriff. During his reign, James knighted another six of Elizabeth's sheriffs,² together with 17 of the 20 knights serving him. 20 of these 23 creations came in the early years 1603-05, and it is not surprising to learn that the king was responsible for almost three quarters of the total number of knighthoods distributed to the

1. T. Sandes and M. Sandes are the other two.

2. W. Sedley, T. Palmer, T. Kemp, M. Barnham, J. Smith, P. Manwood.

sheriffs in this period. Nineteen of his own were already knights on appointment: this represents a complete reversal of the position already observed for the first half of the period, when more often than not an esquire was chosen. It seems that this strong contrast was somewhat unusual: its nearest equivalent of those examined is probably to be seen in Buckinghamshire. James' preference for knights is evident in other counties, but rarely is the difference within the period so marked. In Bedfordshire, for example, his appointments were shared more or less evenly between knights and esquires, while in Essex and Lancashire the balance was tipped only slightly in favour of knights and esquires respectively.¹

It is difficult to believe that the sheriffwick and knighthood were intimately connected. Clearly under Elizabeth a knighthood was not a prerequisite for the job; no more was it necessarily a reward for having served. And since almost all his sheriffs were already knights, it cannot have been this in James' reign. All we can say is that most of his appointments in Kent came from among the numerous knights he had dubbed in his early years on the English throne.

Nevertheless, a gentleman who had been sheriff of his county might count it as part of his overall

1. PRO Lists and Indexes, ix.passim.

government service, which, taken with his social standing in the county, could qualify him for some honour. Martin Barnham was sheriff in 1598-99 and still esquire at James' accession; his son Francis offered him a cheap, quick way to a knighthood. Elizabeth's reluctance to knight men had, in Francis' opinion, left a backlog of men who were worthy of it. This had been rectified to a degree by James' first fit of generosity, but after this the king had settled down to a position where he rarely bestowed the honour out of favour, so that it now cost between £300 and £500. By the intervention of a third party, however, he had managed to strike a bargain for knighthoods, both for his father and himself, at the rate of £80. But Martin replied:

'that havinge by God's blessinge an estate fitt enough for knighthood, and havinge managed those offices of credite which a country gentleman was capable of, he should not be unwillinge to take that honor upon him, if he might have it in such a fashion as that [he] himselfe might hold it an honor, but said he, yf I pay for my knighthood I shall never be called Sir Martin but that I shall blush for shame to thinke how I came by it...'¹

This is a son writing about his father, and its view of Martin may be extravagant, but it should not be dismissed out of hand. 'Those offices of credite' would clearly include the shrievalty, together with the commissions of the peace and subsidy on which Barnham had sat,² and they

1. T.B. Lennard, 'An original manuscript...', The Ancestor, ix.205.

2. Ibid. p.202.

endorsed any claims to a knighthood which he considered himself to have already. It was not office however which is put first as his claim to the honour here: what would essentially elevate Barnham was his 'estate fitt enough for knighthood', the outward sign of a substantial economic and social status.

In his mind then, a man's estate was a crucial, if not the crucial, factor which determined whether or not he should become a knight, and a document which Sheriff Peter Manwood drew up about the same time as this Barnham incident indicates that this feeling was shared by others. Manwood was the last man to be appointed by Elizabeth (December 1602) and much of his shrievalty falls in the reign of her Stuart successor. The document may well have been drawn up on government initiative to help the king decide where his early grants of knighthood should fall, for it is a list of those men in the county who had held land to the value of £40 for at least three years past and had not yet been knighted.¹ It includes five of Elizabeth's sheriffs who had served in the late 1580's and the 1590's, but James chose to honour only one of them, and that was Barnham himself. On the other hand nine of the men he was to appoint as sheriffs appeared on the list, and he knighted all but one of them.²

1. BM Add.38139, fo.77a & b.

2. Elizabeth's men: Hardres, Lennard, Twisden and T. Scott; James': Knatchbull, Edolfe, Withens, Gilbourne, Steed, Aucher, J. Sedley, Roberts.

Apart from any question of a positive boost in status such as a knighthood, it is at least debatable whether the office of sheriff was necessarily any help at all in advancing a gentleman socially within his county. In some cases in fact, it did not raise a man's social standing because that was already high when he was appointed. This is especially true of Sir Edward Wotton who was appointed in 1594. Wotton's family had long been resident in the county, and some of its members prominent in both church and civil government. His father had been sheriff of the county before him, and added to this Edward was knighted in 1592, four years after becoming a gentleman of the Queen's privy chamber.¹ Neither can Moyle Finch be said to have lacked an established status in the county when he became sheriff for the first time in November 1596. More than twenty years before, he had been married to Sir Thomas Heneage's daughter by Dean Nowell of St. Paul's and two years later the Queen herself became godmother to his child. Knighted in 1584, he acted as Deputy Treasurer at Wars serving under his father-in-law at the approach of the Armada in 1588. By this time he had also been one of the justices of the quorum in the county for at least four years, and in 1592 he was commissioned by the privy council, along

1. DNB sub Wotton, Sir Edward and Nicholas; PRO Lists and Indexes, ix.69; GEC, Comp. Prge., xii, pt. i. 865-67.

with Lord Cobham and William Lambarde and others, to administer the oaths of office to a general assembly of the county's justices in an attempt to tighten up on the lax execution of the commission of the peace.¹ When he became sheriff in 1596 he was hardly obscure, and he enjoyed an established standing in the county: no less was this true in February 1606 when he was appointed for the second time.

For others, however, the office may have been important, even though they had already served on the commission and had thus been recognised to hold a place within the small band of county-governing gentlemen. One of the most striking aspects of the commission of the peace in this period is its steady and marked rate of growth²: the select few who composed it grew more numerous, and within these expanding ranks the risk of relative obscurity expanded correspondingly. A man who did not have the special good fortune of a Wotton or a Finch exercised his responsibilities jointly with between 80 and 120 county colleagues. The advantage of becoming sheriff was that for a whole year no-one else was sheriff: the functions of this ancient office remained distinctively in the hands

1. GEC, *Comp. Prge.*, xii.pt.ii.773; *The Genealogist*, ii (new ser.), 295; APC, xvi.203, 223; BM Lansd.737 fos. 141b-143b; APC, xxiii.253-58.

2. See chapter 'The Sheriffs as Governors'.

of one man supervising a body of officers who were subordinate to him. In the case of men like Withens and Gilbourne for example, this could be a real consideration. We shall see in a later chapter that there is reason to believe that they must be counted among those of the later sheriffs who were of a slightly inferior status, at least in terms of the amount of their landholdings.¹ We also know that Withens and Gilbourne acted as collectors of the fifteenth and tenth in the county. Few, if any, of the other sheriffs appear to have performed this task: many of them were commissioners for the subsidy,² but the commissioner was a superior officer who supervised the work of subordinate collectors, who were usually, it seems, members of minor, though armigerous families, or the younger sons of more important ones.³ We know that Gilbourne was already a justice when he undertook this task, but Withens may have been included in the commission for the first time in 1604. Nevertheless, it may be that when they became sheriffs a few years later they secured and confirmed their standing in the ranks of those for whom

1. See Chapter 'The Wealth of the Sheriffs'.

2. See Chapter 'The Sheriffs as Governors'.

3. PRO E159/382, recorda, rots. 164-65, 172, 216; E159/407, recorda, rots. 396; Nicholas Bire, John Cobham, Henry Fenner, Peter Nott, Antony Sampson, Reginald Scott, Edward Stile, Walter Taylor, William Webbe. See Harl. Soc. Publctns., vols. xlii & lxxv for possible identification of some of these men; BM Add. 38139, fos. 134b-37a.

major responsibilities and authority were reserved. As justices and sheriffs, and despite their past activities as collectors, they had by this time been called on to perform not one, but two, of those duties which might be expected of a gentleman in the county.

From 1580 to 1625 the majority of the sheriffs of Kent were drawn largely from families who had long been native to the county, but first- and second-generation residents, moving in from London or other counties, played a role which was far from negligible. The sheriffs background was solid and gave him a status which, within society as a whole, was an exalted one. He might maintain or enhance this in a number of ways, one of them being marriage. This could be very important to him if he had recently moved into Kent, for it promised a means of integration more thorough than mere land purchase. Very often he was honoured with a knighthood from his monarch, but it has not been possible to establish that this was closely linked in any way with his performance of the shrieval duties. Neither can it be said that serving as sheriff would invariably add to his social stature if it ever did: it is not clear if his appointment ever profoundly affected his status, and it may have merely recognised it for what it was. In any event it is evident that the post was only one of a number

of factors which might determine his place in the social hierarchy: in the chapters which follow, it will be argued that what he did for the Crown on other occasions, and his position as a landholder in the county, were together of greater and more fundamental significance.

CHAPTER 3

The Wealth of the Sheriffs

As far as we can tell, all the sheriffs of the county of Kent in this period derived their living, or the greater part of it, from landholding. It is evident too that, over the years, they were involved in land exchanges of one kind or another; but the necessarily massive task of producing a closely detailed record of these changes has made it impossible to establish an exact idea of the varying fortunes of each individual sheriff. Nevertheless, this chapter seeks to provide a general examination of their wealth: what kinds of land they held, and their location; whether there was any significant supplementary source of income. In the previous chapter, we saw that the sheriffs were among the most socially elevated men in the county, and so finally, some attempt will be made to determine whether this social prominence was reflected in terms of wealth.

For these purposes three main bodies of materials have been used extensively. In the first place thirty five inquisitiones post mortem survive for the forty four sheriffs here considered. The inadequacy of the inquisition as a means of ascertaining annual income from land on a

true basis is well established.¹ But however unsatisfactory land values taken from them may be, they are virtually the only ones available from the Court of Wards material at this time. The feodaries' survey, at first a relatively more reliable indication of real annual income, became steadily less accurate toward the end of the sixteenth century, and in any case has survived only on a small scale for the post-1580 period.² The feodaries' certificates, which were probably the nearest thing to an accurate evaluation of income from land, ^{were} ~~was~~ an innovation of 1612 only, and occurred for two of the sheriffs.

Hence Table A represents the totals of annual values beyond expenses (ultra reprisas) as given in the inquisition: it is the fullest series of land income figures yet available. These figures will be used with caution to reach some general conclusions about the wealth of one sheriff compared with that of another. Quite apart from this, the inquisitions yield important biographical and genealogical information: most importantly perhaps, they are convenient catalogues -

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1. J. Hurstfield, The Queen's Wards (1958), pp. 46, 54, 233; M.J. Hawkins, Sales of Wards in Somerset, 1603-41, Somerset Record Soc., lxxvii (1965), xviii, suggests that values in the IPM's are early 16th century ones and therefore take no account of the inflation in land values. Other factors may have played some part too, for example those discussed by C.D. Ross and T.B. Pugh for the 15th century ('Materials for the Study of Baronial Incomes in 15th century England', Ec.H.R., vi (1953)).
 2. P.R.O. Class List for the Court of Wards.

though not necessarily complete ones - of land held at the time of death. In conjunction with wills and other miscellaneous evidence, the inquisitions have been used to build up a picture of the distribution of landholdings for each man.

Secondly, the subsidy rolls for the period provide evaluations for thirty four of the sheriffs. Against each name on the roll there appears a sum which, in theory, represented the annual income from lands: all thirty-four were taxed on land rather than goods. Again these values are far from realistic, but together with data from the inquisitions, they will be used to indicate general relative wealth.

Thirdly, twenty six wills survive: they provide in many cases a record of landholdings just prior to death, and may confirm or supplement therefore any information which the inquisition gives. In addition to this, the money bequests made in them have been recorded and totalled: these totals take account of grants of land to produce a stated sum of money as well as grants direct from personal estate. They have also been divided into two categories; absolute grants on the one hand, and grants per annum, or annuities, on the other. It is true that the mere expression of a wish that money be given does not necessarily indicate the capacity of the testator's estate

to bear the cost of such goodwill.¹ Nevertheless, the willing of sums of money reveals something of the testator's own assessment of his financial situation at some point in time. Certainly such figures as can be obtained are valuable for throwing light on the question of whether the sheriffs were men who could think in terms of hundreds of pounds rather than pounds.

Land was undoubtedly the main source of income during this period, and frequently holdings were not confined to Kent alone. A high proportion of the sheriffs (26) can be shown to have held land in counties other than Kent; more detailed searches for other counties could well enhance that proportion. Generally speaking the south-east seems to have interested them, though this wedge of counties did extend north as far as Yorkshire, and west to Montgomeryshire, Denbighshire and Gloucestershire.² In some cases, London (or Middlesex) property only was involved: Nicholas Gilbourne's inquisition listed messuages in Aldgate; Edward Filmer's will mentioned houses in Knightrider Street; and Thomas Willoughby made his will in his house near Lincoln's Inn.³ In other cases

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1. For example in the case of Edwin Sandys. See D.N.B. sub Sandys Edwin; P.C.C. 84 Ridley; W.K. Jordan, 'Social Institutions in Kent 1480-1660', Arch.Cant., lxxv, 97 & n.3.
 2. This information principally from inquisitions and wills. See appended biographies.
 3. PRO C142/781/87; K~~ent~~7 R~~ec~~7 O~~ff~~7 U120/T200/10; P.C.C. 53 Drake.

estate in two, three or even more counties other than Kent is indicated. George Harte for example, enjoyed property in the City of London and in Devon. Richard Baker's property in southern Kent spilled over into Sussex, and he too had interests in the capital. Samson Lennard's estates lay in Kent, Cambridge, Norfolk and Sussex; Maximillian Dallison's in Kent, Lincolnshire and Sussex; John Sedley's in Kent, Essex, Leicestershire and London.¹ Less frequently land in six, seven or even eight counties made up the estates of one man; such was the case for Michael and Thomas Sandes, Moyle Finch and William Sedley.²

All the sheriffs however, held land in Kent itself, and Michael Dalton indicated in 1623 that this should be so: he cited four statutes of the reigns of Edward II and Edward III, and reproduced their essential stipulation that "no man shall be sheriff in any county except he have sufficient lands within the same county (or shire) where he shall be sheriff, whereof to answer the King, and his people, in case that any man shall complain against them." The office must go to landholders of considerable

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1. PRO C142/215/246; P.C.C. 70 Spencer; PRO C142/244/110, P.C.C. 43 Dixy; PRO Wards 7/54/139; C142/483/82; Wards 7/92/268.
 2. CSPD '91-94, p.217, letters regarding Thomas' threat to cut off entail of lands in 6 counties to deprive his wife of jointure. Thomas willed his lands to his brother Michael. PCC 12 Nevell; PRO Wards 7/24/102; Wards 7/53/289; PCC 5 Rudd; G.E.C., Comp.Prge., xii.pt.ii.773; S.R.Gardiner (ed.), The Diary of John Manningham, Camd. Soc., (1868), p.13; PRO C142/376/101; Wards 5/20 (feodaries' surveys).

standing within the county for which they were to serve.¹ Thomas Baker, sheriff in 1604, was at first sight a contradiction to this general rule. As the younger son of Richard Baker, sheriff in 1582, he failed to inherit his father's estates in Kent: they were to come to him only should the heirs male of his elder brother John fail.² His will, made in June 1622, described him as of Suffolk; his inquisition was taken in Essex in May 1625, and according to this, his only interest in Kent was a twenty marks annuity. In May 1618 moreover, the Privy Council had ordered him to answer the charge that he was failing to supply a light horse for the county of Essex. He was finally excused on this count because he was already responsible for supplying one for Kent.³ This anomalous situation seems to have arisen as a result of Baker's earlier residence and tenure of land in Kent at the time of his shrievalty. In 1599 he and Sir Henry ^{Guldeford}~~Guldeford~~ had been granted the wardship of Henry Baker, the minor heir of John, Thomas' brother. At the taking of John's inquisition in 1596 Henry was ten years and 5 months old. A case in Star Chamber for November 1601 shows that Thomas Baker was seized of Sissinghurst Park in Cranbrook for the minority of Henry, and he had therefore presumably purchased the lease of Henry's lands too.⁴ Baker's lands

1. M. Dalton, Officium Vicecomitum (1682 ed.) p.6.

2. PCC 46 Dixy, will of Richard Baker.

3. A.P.C.1618-9, p.134,139,140.

4. PRO Wards 9/108 fo.428b; C142/246/114, Inq. of John Baker; St. Ch. 5/B55/30.

"within the same county" in 1604 then, were those of his minor nephew, leased from the Court of Wards.

In most cases it has been possible to build up a picture of these Kentish estates. The extent and scattering throughout the county vary from case to case: from Thomas Roberts' one manor and land in three or four parishes the range extends to Richard Baker's twenty or so manors and land in more than fourteen parishes.¹ Commonly though, the number of manors a man held was less than ten, and frequently between two and six, but his estates often lay scattered in ten or more parishes. There was a strong tendency for the estates to be concentrated around the principal seat, with perhaps additional holdings in more distant parts of the county: George Harte's centred on Lullingstone, Orpington and Dartford in north-west Kent, but included land in Higham slightly more to the east; Robert Edolphe's on Hinxhill, just east of Ashford, together with the rather more distant areas of central Romney Marsh; Maximillian Dallison's on Halling and the Medway Towns, together with Hoo to the north and West Malling to the south.²

Edward Wotton's lands lay scattered from Chislehurst at the western end of the county, to Sturry in the east,

1. See table B.

2. Inquisitions: PRO C142/215/246; C142/661/72; C142/483/82.

concentrating on his central Kent seat at Boughton Malherbe.¹ Taking the line from Sittingbourne to Tenterden as a rough division of the county into two halves, the estates of some seven other sheriffs fell in both east and west. But apart from these, and despite considerable north-south scattering, the Kentish holdings of the men were more usually confined to one 'half' or the other.²

Agriculturally speaking, their lands were situated in the most valuable part of the Kentish landscape. Occasionally part of the estates lay in the less-productive upland areas of the county, but on the whole they were only a fraction of the total: virtually all the holdings were in lowland regions at less than four hundred feet above sea level. Moreover, it was lowland of the most fertile variety: the marsh areas of the rivers Thames, Medway and Stour, and the Isle of Thanet in the north, and Romney Marsh in the south; the more fertile regions of the Lower Greensand belt in mid- and east-Kent, especially the Medway valley from around Maidstone down to Yalding; the loamy areas of the northern slopes of the Downs; the loamy Thanet Sands from near Deal, through Sittingbourne, Rochester and Gravesend.

1. Inquisition: PRO C142/451/99.

2. Barnham, PRO Wards 7/49/117; W. Cromer, C142/252/63; Gilbourne, C142/751/87, P.C.C. 13 Audley; Knatchbull, PRO Wards 7/89/338; Lennard, Wards 7/54/139; W. Sedley, C142/376/101; Twisden, Wards 7/27/141.

Some of this land was undoubtedly farmed by the men themselves, although evidence of exactly how they were farming is hard to come by. Michael Sandes was sued by the President and Scholars of Corpus Christi College, Oxford for cutting under-wood from eight acres of land he claimed were his, in Selling and Chilham. In March 1602, he was plaintiff in a case against those who, he alleged, had pulled down hedges and fences around forty acres he had enclosed for "sheepe and other cattell". Justinian Champneys referred in his will to a stock of over 2,500 sheep, though these were in Suffolk. Again, the will of George Fane mentioned nine acres of hop ground in Kent "now well planted", and this may well be a reference to agricultural activity of his own.¹

However, Lambarde, writing in the 1570's, stated that the gentleman of Kent made his money principally from leases. Owing to certain favourable geographical features which he enumerated, "the superfluous fruite of the ground be dearly sold, and consequently the land may yeeld a greate rent".² The bulk of the estates was in fact in the hands of tenants paying rent. A number of the wills named some tenants - for example those of Nicholas Gilbourne

1. PRO St. Ch. 8/263/20; St.Ch.5/S44/31; P.C.C. 87 Drake; P.C.C. 103 Coventry.

2. W. Lambarde, A Perambulation of Kent, (Chatham, 1826 ed.) p.6.

and Roger Twisden¹ - but the inquisition, in the course of detailing a man's possessions, usually named his tenants too, and generally the lands seem to have been in the hands of gentle and yeoman stock. According to his son, Martin Barnham, for one, was on excellent terms with his tenants. They brought him 'good materialls of housekeeping' which he requited with:

"... familiar and kinde usage, friendly discourse, and advising them aboute theire owne particular affayres, and above all with a gentle hand in the lettinge of his lands, soe that I thinke never any landlord had more power of free tenants than he had."

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During this period of high activity on the land market, changes took place in the composition of many of these estates. Martin Barnham, for example, is said to have left at his death land of his own purchase to the value of £500 a year. From his cousin Henry Finch and others Thomas Fane purchased saltmarsh called Hoo Marsh; Michael Sandes bought Badlesmere Manor around 1580 and in 1588 he acquired the Manor of Ovens Court in Selling; the forty acres he enclosed were, he claimed, part of 2000 acres he had taken on a 99 year lease from Sir William Lovelace. His brother Thomas spent £1050 on a hundred and sixty acres of marshland. Between 1574 and 1580, Roger Twisden made considerable additions to his estates around

1. P.C.C. 13 Audley; P.C.C. 46 Harte.

2. T.B. Lennard, 'An original manuscript ...', The Ancestor, ix(1904), 199.

Wateringbury and East Peckham. George Fane bought land of Sir Henry Baker, and Edward Hales seems to have gained the major part of his estates between 1603 and 1640.¹

An examination of each man's holdings in Hasted's survey of the manors of Kent, together with other evidence, shows that just over one half (27) were acquiring new manors or estates of some sort.²

On the other hand, 12 were passing away property. Thomas Kempe disposed of the Manor of Highlands, Sutton at Hone, the rectory of Staplehurst and the Manor of Boughton Aluph; Peter Manwood the Manors of Raynehurst and Timberwood, Wingham Barton in Ash, and Rowling in Goodneston. Thomas Norton sold some 991 acres of estate. Anthony Aucher's ~~debtors~~ ^{creditors} succeeded in obtaining an act of parliament for the sale of some of his lands for the satisfaction of his debts.³ In some cases however, property was both acquired and sold: Manwood's disposals must be set against his being granted the rectory of Kemsing, and between

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1. Ibid., p.197. K.R.O. C.C.C.41/59; Hasted, vi,447, vii,44; PRO St.Ch.5/S44/31; P.C.C. 12 Nevell; J.R.Twisdén, The Family of Twysden and Twisdén (1939), pp.102-109; P.C.C. 103 Coventry; Hasted, iv,7,26,257; v,344,350,355,358,360,362,370; vi,225; vii,235,217,194,257; viii,220,274,292,298,407.
 2. See table B.
 3. Hasted, ii,357; vii,128,388; iii,464; ix,207,237; Arch. Cant., xii,384; Hasted, vi,180,484; ⁸⁴Harl. 6847, fos 35-6.

1591 and 1597, the acquisition of several leases of the Archbishop of Canterbury. James Hales disposed of the Manor of Maxton Court, Hougham, but gained the advowson of the rectory of Bonnington and three manors. According to Hasted, he 'exchanged' the manor of Bonnington with Sir Christopher Man.¹ We know in fact that eight men both acquired and passed away property.

Hence at least 31 of the sheriffs changed the composition of their estates in some way: they exchanged property in the way we have just described for Manwood; or they simply made additions to, or released part of, their holdings. A more extensive search would in all probability increase these figures, but even as they stand they demonstrate how lively the land market was, and how much a part of it were the men who became sheriffs.

Some of these changes were the result of marriage: the importance of a well-chosen alliance could be enormous. The fortunes of Martin Barnham depended very much, according to his son, on his diligent application of limited resources, and although he regarded the total portions of two marriages, amounting to £1866, as being rather slight, this money could nevertheless have been of crucial importance to his father.² More direct accretions could be

1. Hasted, iii, 49; P.R.O. M.S. index and cal. of Patent Rolls 31-7 Eliz., fo. 138a; C.S.P.D. '91-4, p. 142; ibid '98-01, pp. 527, 528, 531; Hasted, ix, 460; viii, 336; ix, 293, 301, 397; viii, 333.

2. T.B. Lennard, 'An original manuscript ...', The Ancestor, ix, 195, 197.

made to an estate through marriage to an heiress or coheiress. Well over a third (16) can be shown to have married heiresses: 8 of them married Kentish heiresses, and the remaining eight heiresses came from London, Essex, Sussex, Oxford, and Dorset.¹ John Smith married Elizabeth, the only daughter and heir of John Fineux, and on Fineux's death, the Herne branch of that family disappeared, and its estates in north-east Kent were added to those of Smith of Westenhanger.² Similarly, Thomas Fane gained the advowson of the Church of Tudeley from his marriage to Ellen, the coheir of Sir Walter Henley of Cranbrook. Edward Hales moved his seat from Tenterden to Woodchurch as a result of his marriage to Debora, heir of Martin Harlackenden of that place.³

The more obviously rewarding marriages were however to heiresses from without the county. Some, like Champneys, seem to have made fairly modest gains in this way. On a

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1. Berry for Champneys (p.40) and for John and William Sedley (p.230); B.M.Stowe 618, fo.91a for Hamond; Harl.Soc.Publctns., lxxv for T.Fane (p.44), M.Sandes (p.33), and Lennard (p.63); ibid, lxxiv for J.Cromer (p.43) and Hasted, vi, 86-8; Harl.Soc.Publctns., lxxv for Aucher (p.180-1), Beswick (p.152), Bing (p.27-8), Finch (p.68), E.Hales (p.58-60), J.Hales (p.58-60), E.Scott (p.128), Smith (p.114); S.R.Gardiner (ed.), The Diary of John Manningham, Camd.Soc., (1868), p.13 for Finch.
 2. Harl.Soc.Publctns., lxxv, 114; Arch.Cant., liii, 88-9.
 3. Hasted, v, 259; ibid, vi, 89.

greater scale, Moyle Finch married the daughter and heir of Sir Francis Hastings, 'worth to him £3000 per annum'. He subsequently married Sir Thomas Heneage's daughter and heir.¹ By marrying the sister and heir of Gregory Fiennes, Lord Dacre, Samson Lennard eventually gained the title for his son: the marriage is also reputed to have brought him £2,500 per annum in land (when it shall be out of lease', together with '£2000 in woods' and Lord Dacre's chief house.²

Land however was not always the sole factor contributing to the livelihood of our men. The purchase of wardships and leases of lands of the wards interested at least five of them. Profits from this rather more temporary and indirect use of land probably varied considerably. Both Thomas Palmer and Thomas Baker bought the wardships of their respective grandsons, and Justinian Champneys, according to his will, had bought that of his wife's son by a former marriage; he reckoned it would fetch £400 or so on sale. Isaac Sedley paid £62 for the wardship of Jack Apleton, son of Sir Isaac Apleton, and Moyle Finch advanced the sum of £500 for the wardship and

1. The Diary of John Manningham, Camd.Soc.(1868),p.13; Harl.Soc.Publictns., lxxv,p.68.

2. C.S.P.D.1598-1601,p.125; H.M.C. Salis.,v.205-6.

lease of the lands of John Strangeways.¹

We also know that a number of men had in interest in industry and commerce. Richard Baker was among the owners of ironworks in Kent and Sussex, having an interest in fact in three furnaces and three forges in Cranbrook in Kent, and Dallington and Etchingham in Sussex. 'Mr. Finche' on the list of owners which Lower printed was in all probability Moyle Finch. Samson Lennard's Knole Park "with its bracken, sand and hard timber, contained within itself all the requisites for the glass industry", and from the 1580's at least, until 1603, a thriving glass-house employing alien craftsmen existed at Knole. It is likely that Peter Manwood was involved in some way in drapery: his grandfather was "a substantial draper of Sandwich", and during his father's lifetime in 1573, the Queen visited Sandwich. She passed through "Mrs. Manwood's garden, and thorough Mr. Wood's also, the wayes hanked with black and white bayes". Although John Smith, son of the Customer, became a country gentleman to a large extent, he still kept some links with the world of trade. In 1595 a quantity of copper, which he had stored in a warehouse, was to be bought of him for the Queen's service on the orders of the Privy Council.

1. PRO Wards 9/162; 9/405 fo.367b. and fo.429a; Wards 9/108 fo.428b; P.C.C. 87 Drake; PRO Wards 9/408 fo.304a, 9/413 fo.38b & 39b; Wards 9/388 fo.359b,360b,362a; 9/389 fo.218a,221b,223b,227a for wardship; 9/388 fo.383a &b, 384a; 9/389 fo.248a for lease. Also Wards 9/405 fo.167a shows Palmer buying another wardship.

By 1605 he was Deputy Governor of the Mines Royal. Not only was Edwin Sandys heavily involved in the affairs of the Virginia Company, but the expected proceeds of a total of £1500 invested in the East India Company were to provide portions for three of his daughters.¹

Half a dozen of the men were involved to some extent with the Inns of Court, quite apart from any preliminary legal education which they may have received there. Richard Baker was called to the Bench of the Inner Temple, became one of three Stewards there, serving from 1579 until 1589, and in 1590 was elected as one of the Marshals. According to A.R. Ingpen, Stewards of the Middle Temple were barristers: thus Robert Edolphe who served as Steward at the Reader's feast, had presumably been called to the Bar. Peter Manwood served as Steward for Christmas at the Inner Temple, and the "Mr. Sands" referred to as a possible Steward for Christmas at Lincoln's Inn in 1565, may well have been Thomas Sands who had been admitted four years previously. The Complete Baronetage records Moyle Finch as admitted to Gray's Inn and "presumably called to the Bar there". William Sedley's 'great learning' earned his appointment as a Benchler at Lincoln's Inn in 1607, and he served as Treasurer for 1607-8. These apparent

1. M.A. Lower, 'Iron Works of the County of Sussex...', Sussex Arch.Coll., iii, 241; Arch.Cant., xlvii, 311; PRO C142/244/110; P.C.C. 46 Dixy; V.C.H. Kent, iii, 401; D.N.B. sub Manwood Roger; J.Nichols, Progresses of Elizabeth, i, 338; A.P.C., xxv, 126-7; History of Parlt. sub Smith John; H.M.C.Salis, xvii, p.63; D.N.B. sub Sandys Edwin; P.C.C. 84 Ridley.

professional qualifications meant that this group of men were in a position to derive income from something quite different than their estates.¹

The profits of office-holding are difficult to gauge accurately. Thomas Fane served as Lieutenant of Dover Castle from at least 1588 until 1603, when his nephew George was appointed to act in his absence. By 1615 Thomas Hamond had become Lieutenant.² According to a document dated 1610, the office at that time was worth ten shillings a day; but what relationship this stated fee bore to the actual remuneration is not clear.³ As Comptroller and Treasurer of the Royal Household, Edward Wotton is likely to have received salaries which were among the highest available from office at the time. His fees according to the same document of 1610 were '£107 4 4 and a Table' and '£100 and a Table' respectively. Yet for a slightly later period G.E. Aylmer estimated that both these offices were worth well over £3000 a year.⁴ Edward Filmer became

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1. Cal. of Recs. of the Inner Temple, i, 249, 301 et passim to 359, 370; A.R. Ingpen, The Middle Temple Bench Book (1912), p. 26; Mid. Temple Recs: Minutes of Parliament, i, 315; G.E.C., Comp. Bartge, i, 35; Cal. Inner Temple Recs., i, 74, 92, 97, 104, 109; Linc. Inn Admission Reg., i, 68 & Linc. Inn Black Books, i, 349; Linc. Inn Black Books, ii, 105, 108.
 2. BM Eg. 2095, fo. 366b; HMC Salis., xv. 279; PRO SP 14/81/16.
 3. BM Add. 31825, fo. 32a; ibid., fo. 21a & Add. 29888 for similar fees.
 4. G.E. Aylmer, The King's Servants (1961), p. 205.

Gentleman of the Privy Chamber to Charles I;¹ and both Wotton and Filmer were interested in patents too: in 1620 Wotton pressed for a renewal of a patent granted by Elizabeth to collect two thirds of the fines from alienations in Wales and the Palatinate of Lancaster, Chester and Durham; and in 1613, Christopher Willes wrote to Viscount Lisle telling him that a number of people, including Edward Filmer, were interested in making offers for Lisle's interest in a patent.² From about 1591 Moyle Finch served in a number of quite minor and less obviously remunerative positions as steward, one of which, that of Chief Steward of the possessions of St Augustine near Canterbury, carried an official fee of £20 a year.³

All this may be merely an indication of what interest was shown in spheres other than the land, and in many cases it is not immediately clear how great a part this interest played in the earning of a regular income. However, discounting the purchasers of wardships, at least fifteen men can be shown to have such interests - in industry, commerce, law, office and patents - which combined with land as the main source of their income.

Figures taken from inquisitions, wills and subsidy rolls have been used extensively in order to establish

1. N. Carlisle, Gentlemen of the Privy Chamber, (1829)p.131.
 2. PRO S.P.14/115/53; H.M.C. De Lisle and Dudley, v.p.109.
 3. R. Somerville, The Duchy of Lancaster (1953), i, p.607; C.S.P.D. 1603-10, p.453; PRO S.P. 14/60/4.

the wealth of these men relative to the county as a whole. It is true that the evaluations of a man's income which appear on the subsidy roll cannot be taken as an indication of actual income. But a letter from the Privy Council to the commissioners for subsidy assessment in Sussex gives a good clue as to how such figures may be used. It is dated 26 July 1589 and among its signatories were Burghley, Hatton, Howard, Walsingham and Heneage.¹ Complaints were made of low subsidy assessments at a time when the Queen's need of money was great, and it called attention to those whose wealth was great yet whose assessment was low; it continued:

"Although we meane not hereby to have any men of wealth assessed comparable to their lyvinge, but with some mediocritie according to their callinge."

The most prominent government men argued therefore that the subsidy evaluation should not reveal a man's wealth in detail, and the second half of the sentence seems to indicate that they meant it to mirror merely the wealth of individuals relative to others. Table C is a record of subsidy evaluations for the period 1588 to 1628. The appearance of two figures indicates a change in the assessment recorded on subsequent rolls, while one figure shows that an assessment has been found on ^{one} ~~the~~ roll only,

1. B.M. Harl. 703, fo.57a - not printed in Acts of the Privy Council.

or that it does not change over several rolls.

Anthony Aucher has the lowest assessment of the sheriffs at £10; but the most striking thing about assessments generally on the rolls is that by far the greatest proportion of evaluations fall below the £10 mark: frequently the average is somewhere between £1 and £3.¹ A £20 evaluation is much rarer and would seem to indicate a minority category of the financially superior. Moreover the placing of our men on the subsidy roll is of interest: of 34 men for whom assessments have been obtained, 27 have the highest evaluation within their unit of assessment - the parish, town, and so on - and they also head the list of taxpayers within that unit. The remaining seven are extremely prominent, both in the level of their assessment, and in their placing on the roll.² The arrangement of taxpayers is not alphabetical, nor yet strictly according to size of assessment, even though there is a strong tendency for the largest assessments to take precedence. It seems reasonable to assume that in a strongly hierarchy-conscious society, the rolls were compiled

1. For example in PRO E179/127/560A, /515, /560, /576, /510, /572, /567, /573, and /128/621.

2. T. Baker, Bing(son), Finch, E.Hales, Harte(son), T.Norton Withens, Wotton; for example, Finch in E179/127/508 has the highest assessment of £40, along with Kempe, but is placed a long way down on the list; Hales in E179/127/573 and /128/684, has the highest assessment, but is placed third on the roll; and the same occurs for Norton in E179/127/573.

according to social eminence. These men then were not only among the richest upper strata^{-un} of society within the county, but, more often than not, they were the most socially elevated within their own particular district: where social eminence went frequently hand in hand with land, they were probably the richest men within that district too.

Their superior wealth is also revealed in a number of financial transactions, for the amounts of money which we encounter here were very considerable. For example, many of them made bequests in their wills in terms of cash payments, and although these cannot really be used to measure one man's wealth precisely against another's, they are nonetheless a strong indication that they were men whose resources were very substantial.¹ In 1555 moreover, William Cromer, attainted for his part in Wyatt's rebellion, compounded for the return of his lands at a sum of £1666 13 4.² In 1577-78, Thomas Willoughby sold the manor of Heppisbrook, in Penshurst, to the Sidneys at £1876 10.³ By 1609, Willoughby's own residence, Bore Place, Chiddingstone, was up for sale, and Sir Robert Sidney, now Viscount Lisle, wrote to his wife:

1. See table D.

2. CPR 1554-55, pp.271-72.

3. HMC De Lisle and Dudley, i.250.

'... already there hath £8000 bin offred for it. I thinck I may have it if I will, but I fear I shall be hardly able to compass it.' 1

Samson Lennard had married Margaret, the sister of Lord Dacre: in 1595, Lady Dacre died and left him '... that which is thought to be worth £6000 or £7000 ...'.² It was rumoured in 1598 that Edward Wotton was offering £1000 to 'M.M.' to use her influence toward gaining him a creation; in 1618 he compounded with Sir Henry Carey for £5000 to resign from the Treasurership of the Household.³ Five of the sheriffs bought baronetcies at the rate of £1095 between 1611 and 1621.⁴ William Sedley lent quite substantial sums of money to Lincoln's Inn: in February 1613, £370 was owing to him, and he died with the debt yet unpaid.⁵ He is also probably the subject of an entry in Manningham's diary, which reads:

'... Mr Sedley would not sticke himself to say, yf any gentleman spent not above £500 a yeare, he gave as much to the poure...'

The meaning of this entry is not at once clear, yet it seems to indicate that Sedley was actually giving money

1. Ibid., iv.169.

2. HMC Salis., v.205-06.

3. HMC De Lisle and Dudley, ii.319; PRO SP 14/95/5.

4. R. Beatson, Political Index (1806), i.252(Finch), 253 (Hales E. and Sedley W.), 256(Roberts), 257(Palmer); Beatson gives a figure of approximately £1100 plus fees as the cost of a baronetcy, but £1095 seems to have been the initial cost (PRO Ind.6806, June and Sept.1621 for Palmer and Roberts respectively).

5. Lincoln's Inn Black Books, ii.150,260.

to the poor on a grand scale. Indeed the wealth of the Sedleys generally seems to have impressed Manningham, and he referred also to William's brother John having built a house

'... which cost him above £4000; hath not belonging to it above 14 acres of ground.' 1

Finally, in the civil war, Edward Hales offered £6000 to Parliament to cease the sequestration of his estates.²

According to Manningham, the result of Sedley's lavish giving was debt: he went "over sea for debt". In fact debts were fairly common, and at least twelve of the available wills contain stipulations about them.³ Their extent is more often than not a mystery, but in some cases it is likely that the word signifies money owing rather than clear financial deficit. John Smith willed that his debts be paid in reasonable time, and explained that they were the reason why he could not leave his sisters any more than £40 each: in the course of his will though, he bequeathed a total of more than £3,900. Thomas Sandes asked for debts of about £1000 to be paid by his executors, and Richard Baker left the residue of his goods and leases to his son John, once debts and funeral expenses had been paid.⁴ On the proposed increase of his

1. S.R.Gardiner(ed.), The Diary of John Manningham, Camd. Soc.(1868),p.20.

2. Commons Journals, ii.293.

3. See Table D.

4. P.C.C. 43 Dorset; P.C.C. 12 Nevell; P.C.C. 46 Dixy.

subsidy evaluation by 50%, Edward Wotton complained of straitened circumstances, of having recently lost income of £1000 a year, and of having to go into debt to pay the subsidy at even the old rate.¹ Peter Manwood's difficulties induced him to leave the country for some time in the early 1620's.² Also Anthony Aucher and Thomas Hardres, son of Richard, had apparently left the country at some point: they were the principal parties involved in debts of more than £30,000, and their debtors had to resort to the passing of an act of parliament for the sale of some of their lands in satisfaction.³

Unfortunately, it is not possible to indicate approximate annual incomes for more than 17 of the men. Had there been a complete series of rent rolls available, the task would have been a relatively straightforward one. These appear to be rare however, though there are documents in the Kent archives which have yielded information on the income from rents from the major parts of the Kentish estates of Michael Sandes and Maximillian Dallison. The figures against their names in Table E are probably fairly accurate, though only as statements of minimum income. Indeed, many of the figures in this

1. PRO S.P. 16/39/36.

2. D.N.B. sub Manwood, Peter; N.Mc Clure, The Letters of John Chamberlain (Philad., 1939), ii, p. 456; C.S.P.D. 1623-5, p. 213.

3. B.M. Harl. 6847, fo. 35-6.

table - drawn from widely differing sources - can only be interpreted as minimum incomes. For example, the figure for Thomas Sandes is taken from a stipulation in his will regarding his wife's jointure: he had undertaken with Lord Cobham, her father, to leave her £800 a year, and she was offered 160 acres of his lands in satisfaction of this. Similarly, Wotton's £1000 is a minimum derived from his complaint of having lost that much in yearly revenue. The figures for Gabriel Livesey and John Sedley may well be the most accurate appraisals of income, from land at any rate, and are the sums given in feodaries' certificates. Taken as a whole, the figures correspond roughly with the scale which Thomas Wilson set down: £500 to £2000 a year for gentlemen, esquires and knights. Those with sums greater than his maximum would probably fall into his category of those who "... equall the best barons and come not much behind many erles ..."¹

Plainly some were substantially more wealthy than others. Indeed in the tables showing inquisition and subsidy evaluations (A & C), the average (arithmetic mean) of the figures in both cases falls noticeably in the second half of the period, that is, subsequent to the

1. T. Wilson, 'The State of England, 1600', Camd. Misc., xvi, p. 23.

accession of James I. The decrease is less sharp in the case of the subsidies, though it would be dangerous to use them to indicate fine gradations of wealth from one man to another.¹ But both tables contain significantly high values: the fact that in many cases other evidence corroborates the view that such men were rather more wealthy than others seems to indicate that the tables taken as a whole may reflect some downward trend in the economic status of those appointed as sheriffs as the period progresses.

Hence the inquisition figure for Richard Baker is extraordinarily high, (within the context of the table) and this corresponds with his high assessment in 1580 for the supply of light horses and lances. He was required to supply two lances and four light horses.² In a list of twenty-two gentlemen, two thirds of whom served as sheriff in this period, an assessment of this size was extremely rare; in fact the charge was more usually at about one of either, or both, light horses and lances. Clearly Baker was regarded as capable of bearing the cost of this high charge. One of three others who were

1. The figures from the inquisitions are taken over a period of 54 years, from 1587 for George Harte, to 1641 for George Fane. If Hawkins' 'inflationary' theory of the accuracy of the figures is correct, we would have to assume that the value of all lands involved became inflated over that period at an equal and unchanging rate.

2. PRO S.P. 12/139/44.

charged with two lances was John, the father of William Sedley, whose own inquisition value was also high.

William's son John has a high inquisition value, for the second half of the period, and his subsidy rating, though falling in the early years of Charles' reign, was still considerable.¹ The wealth of the Sedley family has already been touched upon, but in particular the feodaries' certificates for John, which estimated his annual income from land at over £2000, are perhaps the most telling corroboration of his high assessments in these tables.² John Smith's inquisition total takes account of the lands added to Smith's partrimony by his marriage to the heir of John Fineux. The subsidy rating available for Smith (£20) was made before the death of Fineux, who was assessed at £35.³ In the last years of James' reign, John's son Thomas, later Viscount Strangford, was rated at £60, a figure which must take account of the two combined inheritances.⁴

Something has already been said of the great wealth of Finch, Edward Hales, Lennard, and Wotton, all of whom have high ratings in the tables. Although Finch was said to have left his son "but one hundred pound a yeare more

1. See Table C.

2. PRO Wards 5/20.

3. See Table C.

4. PRO E179/127/578 (Sturry).

than he had before during his mother's life", his widow was "pested with suters" and was claimed to be "the richest widdow in present estate bothe in ioynture, moveables and inheritance of her owne that is in England".¹ Hales' subsidy assessment increased over the years 1611-1621, when he can be shown to be making additions to his estates.² The Lennards were a very substantial family even before ^mSaxson's profitable marriage. Strype made much of his father John's wealth, and explained his haughty attitude toward Secretary William Cecil in terms of the prothonotary's riches.³ Wotton's income from land was probably increased substantially as a result of grants from both Elizabeth and James.⁴ Peter Manwood's inquisition figure may be artificially low because it takes no account of lands held in Essex. On the other hand, the contrast between this and his high, yet probably declining, subsidy rating may be the result of other factors: towards the end of James' reign he passed away parts of his estates in Kent, and the reputation he has for his lavish living may well have been in large measure responsible for his financial troubles.⁵ Finally, although Anthony Aucher's inquisition

1. PRO S.P. 14/78/77 & S.P. 14/80/85.

2. See Table C; Hasted, v, 358; viii, 292.

3. J. Strype, Parker (1821), i, p. 286.

4. P.R.O. Ind. 6800, July, 1594; C.S.P.D. 1603-10, p. 221

5. PRO C142/451/108; see Table C; Hasted, ix, 207; D.N.B. sub Manwood, Peter; P.R.O. Ind. 6802 July 1607 (licence to retain extra servants).

value is not unduly low for the second half of the period, it compares unfavourably with that of his father, which was £145 13 4. Anthony's own inquisition fails to record certain holdings included in his father's, though the four manors are retained. This difference was probably the result of Aucher's debts and the consequent act for the sale of his lands.¹

Quite apart from all this evidence however, a large proportion of those who have high ratings on these tables were men who could be expected to be part of the uppermost and wealthiest strata^{-um} of society; almost all were granted creations of some sort during this period, or failing this, their sons or grandsons gained titles. Thus Finch, Edward Hales, Roberts, and John and William Sedley became baronets, as did Twisden's son and Richard Baker's grandson; Smith's son became Viscount Strangford; Wotton became Baron Wotton of Marley, and Lennard's son succeeded to the title of Baron Dacre of the South.

Despite indications of some interest in law, industry and commerce, and office, the sheriffs of Kent in this period were principally landed gentlemen, often holding land in counties other than Kent itself. Their Kentish estates, at least, were for the most part to be found in

1. See Table C; C142/329/182 (father's inq.); B.M.Harl. 6847, fos 35-6.

the most fertile parts of the county, and they were leased out. Many of them changed in composition over the years, and it seems that those who added to their estates outnumbered those who reduced their size. Moreover, the men were undoubtedly among the social and financial elite of the county, because we know that they were frequently the most prominent men within their own area. In this sense, there is unlikely to have been any drastic change in the status of the sheriff serving Elizabeth compared with the man who became sheriff under James. Some of James' nominees were probably as prominent as Elizabeth's: for example, Finch, Hales and John Sedley all enjoyed very considerable wealth. The contrasts suggested by the evidence of the inquisitions and the subsidy returns cannot however be ignored: we have seen that there is other evidence to believe that this material may reflect broad differences of wealth between one man and another. If this is true, then James' sheriffs were, on the whole, lesser men, or rather, men whose lives were less economically and financially successful than those of their Elizabethan predecessors.

Table A : Inquisition evaluations

Fane T.	'80	-			Cromer J.	'03	113	10	0
Sandes T.	'80	130	11	0	Baker T.	'04	104	0	0
Harte G.	'81	149	14	4	Finch M.	'06	184	0	0
Baker R.	'82	380	13	11	Knatchbull N.	'06	49	6	0
Champneys J.	'83	32	2	7	Edolfe R.	'07	18	15	8
Sandes M.	'84	75	18	0	Hales E.	'08	-		
Cromer W.	'85	122	3	4	Withens W.	'09	11	11	0
Hales J.	'86	150	6	8	Gilbourne N.	'10	48	5	0
Fineux J.	'87	-			Dallison M.	'11	27	3	0
Hardres R.	'88	60	0	0	Stede W.	'12	63	10	0
Sedley W.	'89	307	6	4	Aucher A.	'13	50	0	0
Willoughby T.	'90	-			Filmer E.	'14	67	4	0
Lennard S.	'91	178	10	0	Sandys E.	'15	-		
Binge R.	'92	96	6	4	Beswick W.	'16	42	17	8
Sandes M.	'93	75	18	0	Livesey G.	'17	97	9	4
Wotton E.	'94	213	12	0	Norton T.	'18	-		
Palmer T.	'95	-			Scott E.	'19	-		
Finch M.	'96	184	0	0	Sedley J.	'20	136	17	3
Kempe T.	'97	175	11	0	Roberts T.	'21	31	14	0
Barnham M.	'98	112	5	0	Fane G.	'22	29	17	0
Twisden R.	'99	153	11	8	Hayward J.	'23	9	10	0
Smith J.	'00	260	13	4	Hamond T.	'24	-		
Scott T.	'01	114	11	8					
Manwood P.	'02	28	0	0					

Table B : Landholdings in Kent

	1	2	3	4
'80	3?	2?	A	Hasted, iv, 375; v, 152, 259; Kent R.O./C.C.C. 41/59.
'80	18	4	A	Will: P.C.C. 12 Nevell.
'81	18	11?	-	
'82	16	21	-	
'83	3?	2½?	A	Hasted, ii, 482.
'84	12	4	A & L	Hasted, vi, 403; 477; vii, 44, 42, 444, 533; St.Ch. 5/S44/31.
'85	14	5	A	Hasted, vi, 140.
'86	20	5-6	A & L	Hasted, viii, 336; ix, 293, 301, 460, 397; xi, 183.
'87	7	3	-	
'88	4	4	-	
'89	20+	13-4	A	Hasted, ii, 429; iii, 353; iv, 428; v, 329, 370, 416.
'90	4	5?	L	Hasted, iii, 133; H.M.C. <u>De Lisle & Dudley</u> , i, 250.
'91	5	5	-	
'92	19	6	A	Hasted, iii, 283; v, 3, 11-2, 227, 290.
'93	12	4	A & L	As in '84 above.
'94	c.24	20	A & L	Hasted, iii, 307; viii, 426; x, 32-3; P.R.O. Ind6800, '94
'95	-	-		

1 = No. of parishes in which lands held (includes messuages etc)

2 = No. of manors - total questioned when all have not been traced in Hasted or J. Wallenberg, Kentish Place Names (Uppsala, 1931).

3 = Changes in the composition of the estates - A(adding), L(losing)

4 = Source for these changes.

Table B (2)

	1	2	3	4
'96	15	11	A	Hasted, vii, 388.
'97	c.12	7	L	Hasted, ii, 357; vii, 128, 388.
'98	15?	3	A	Will P.C.C. 9 Wood; <u>The Ancestor</u> , ix, p.197.
'99	20+	9	A	Hasted, v.99, 100, 113; vii, 277; Twisden, <u>Fam. of T. & T.</u> , p.102.
'00	c.20	11	A	Hasted, vii, 123.
'01	16	7	-	
'02	4	1	A & L	Hasted, iii, 49, 464; vii, 313-4; viii, 103; ix, 207.
'03	7	3	-	
'04	As in '82? -			
'06	15	11	A	Hasted, vii, 388.
'06	13	2	A & L	Wds. 7/89/338; Hasted, vii, 598; viii, 223-4.
'07	6	2	A	Hasted, vii, 563.
'08	c.20	c.13	A	See Hasted, vols., iv, v, vi, vii, viii. passim.
'09	2	1?	A & L	Hasted, vii, 503.
'10	9	3	A	Hasted, i, 449 & ii, 561.
'11	15	-	A	K.R.O. U522/F3A
'12	11	1	A	Hasted, v, 449.
'13	11	4	L?	Harl. 6847 fo. 35-6; compare I.P.M. with father
'14	25	4	-	
'15	2	2	A	Hasted, ix, 589; x, 58.
'16	2	2	A	Hasted, v, 314; vii, 77.
'17	5	1	A	Kent R.O. C.C.C./45/357; Hasted, v, 471.
'18	14	3	L	Hasted, vi, 180, 484; <u>Arch. Cant.</u> xii, 384.

Table B (3)

	1	2	3	4
'19	c.10	11?	A & L	Hasted, viii, 411.
'20	c.20	12	-	
'21	3+	1?	-	
'22	c.9	3	A	P.C.C.103 Coventry.
'23	1	1	-	
'24	-	-	-	

Table C : Subsidy evaluations -

each man represented by the year in which he served as sheriff.

'80	-	'03	£30
'80	-	'04	£20
'81	£20 (son)	'05	£40
'82	-	'06	£20, £25
'83	-	'07	£20?
'84	£30	'08	£20, £30
'85	-	'09	£20
'86	-	'10	-
'87	£35	'11	£20
'88	£20	'12	£20
'89	£33 6 8, £35	'13	£10, £12
'90	-	'14	£16
'91	-	'15	£20
'92	£20 (son)	'16	£20
'93	£30	'17	£20
'94	£200	'18	£15
'95	£20, £24	'19	£25
'96	£40	'20	£40, £30
'97	£40	'21	£16
'98	£21	'22	£20
'99	£35	'23	-
'00	£20, £60	'24	£20
'01	£40		
'02	£40, £20?		

Average (arithmetic mean) of first 16 terms = c.£30.
of second 20 terms = £20

Table D : Money Bequests in Wills

	Absolute	Yearly	D	Source
'80: T.Fane	£90			K.R.O./C.C.C.41/59
'80: T.Sandes	£423+	£800+£6	*	P.C.C.12 Nevell
'81: G.Harte	£939+			P.C.C.70 Spencer
'82: R.Baker	£275+		*	P.C.C.46 Dixy
'83: J.Champneys	£1400+	£90	*	P.C.C.87 Drake
'84: M.Sandes	No Will			
'85: W.Cromer	No Will			
'86: J.Hales		£48 13 4	*	P.C.C.27 Drury
'87: J.Fineux	No Will			
'88: R.Hardres	No Will			
'89: W. Sedley	£2385	£10	*	P.C.C.29 Parker
'90: T.Willoughby	No Will			
'91: S.Lennard	No Will			
'92: R.Bing	-	-	*	P.C.C.76 Scott
'93: M.Sandes	No Will			
'94: E.Wotton	No Will			
'95: T.Palmer	No Will			
'96: M.Finch		£60		P.C.C.5 Rudd
'97: T.Kempe	No Will	-		
'98: M.Barnham	£2500+	£90	*	P.C.C.9 Wood
'99: R.Twisdén	£1564+			P.C.C.46 Harte
'00: J.Smith	£3930+	£10	*	P.C.C.43 Dorset
'01: T.Scott	No Will			
'02: P.Manwood	No Will			

Kent R.O./C.C.C./ = Canterbury Consist. Court at Kent

D = mention of debts; amounts are discussed in the text.

Table D (2)

	Absolute	Yearly	D	Source
'03: J.Cromer	-	-		P.C.C.21 Capell
'04: T.Baker	-	-	*	P.C.C.44 Clarke
'06: M.Finch		£60		P.C.C.5 Rudd
'06: N.Knatchbull	No Will			
'07: R.Edolphe	£1200+	£90		P.C.C.105 Weldon
'08: E.Hales	£1650+	£30		P.C.C.221 Alchin
'09: W.Withens	No Will			
'10: N.Gilbourne	-	-		P.C.C.13 Audley
'11: M.Dallison	£2900+		*	P.C.C.128 St.John
'12: W.Stede	£19			P.C.C.39 Dale
'13: A.Aucher	No Will			
'14: E.Filmer	£2443	£125	*	K.R.O./U120/T200/10
'15: E.Sandys	£4000+	£160	*	P.C.C.84 Ridley
'16: W.Beswick	No Will			
'17: G.Livesey	£263+	£53 6 8		K.R.O./C.C.C/45/357
'18: T.Norton	No Will			
'19: E.Scott	£620+			P.C.C.7 Twisse
'20: J.Sedley	£24000+			P.C.C.130 Lee
'21: T.Roberts	No Will			
'22: G.Fane	£6000			P.C.C.103 Coventry
'23: J.Hayward	£1555	£4		P.C.C.69 Pile
'24: T.Hamond	No Will			

Table E : Annual Income

'80: T.Sandes	£800+	P.C.C. 12 Nevell; amount of jointure for wife.
'84: M.Sandes	£1350+	K.R.O.U791/T73/1,bndle.2.
'88: R.Hardres:	£800	BM Harl.6847,fos.35-6:alleged annual revenue from lands in Kent, Yorkshire for Sir Thomas, son of Richard.
'89: W.Sedley	£1000+	*
'90: T.Willoughby	£500	Star Chamber 5/C33/10 & C45/20: alleged to have died seised of lands worth £500 in Kent by adversaries of sons Percival and Thomas in a case of debt.
'91: S.Lennard	£2500+	H.M.C.Salis.,v,205-6:"...the land which Mr. Leonard is like to have by the death of Lord Dacre and her is taken to be worth ...£2,500 by the year, besides my lord's chief house and the value of £2000 in woods."
'94: E.Wotton	1602-18: £3000+ from office; £1000+	1602-18: Comptroller and Treasurer of the Household: G.E.Aylmer in <u>The King's Servants</u> (1961),p.205, suggests figures of well over £3000 for these offices in 1630-8 and 1620-39 respectively; S.P. 16/39/36: Nov.1626, on proposed increase of his subsidy assessment claimed that his estate was now "impaired" by £1000.
'95: T.Palmer	£1000+	*
'96: M.Finch	£4000	<u>Manningham's Diary</u> , Camd.Soc.(1868), p.13: M. reports marriage of M.F. to Sir Francis Hastings' d.and h. "worth to him £3000 per annum. All his living in Lincolnshire and Kent etc worth £4000 per annum."
'98: M.Barnham:	£500+	<u>The Ancestor</u> ,ix,197: Left £500 "of his own purchase" on his death among his younger sons.

Table E continued ...

'06: M.Finch	see above	
'08: E.Hales	£3000	<u>C.S.P.D. 1611-18</u> , p.400: Edward Sherburn to Carleton - estate of E.H. estimated at £3000 p.a.
'11: M.Dallison	£750+	K.R.O. U522/F3A.
'13: A.Aucher	£1300	B.M.Harl.6847, ff.35-6: alleged annual revenue from lands in Kent.
'16: W.Beswick	£1000	<u>A.P.C.1623-5</u> , p.297: petition of Arthur B. son of deceased William - claims has been disinherited of his father's lands to this value.
'17: G.Livesey	£892	Wards 5/20: feodary's certificate for the value of G.L.'s lands.
'20: J.Sedley	£2264 15 10 Wds.5/20	feodary's certificate.
'21: F.Roberts	£1000	*

These figures are somewhat higher than the averages which Dr. A.Everitt suggested for the later period, 1640-60. His figures, based on a much larger sample of gentry revenues, are more broadly based and representative than those produced above. The figure of £270 p.a. which he gives for the 'untitled gentry' presumably includes both esquires and gentlemen, and would be considerably higher for the squirarchy alone. Baronets Finch, Hales and Sedley all have incomes considerably higher than his average of £1,405 for the period 1640-60. (A.M.Everitt, The Community of Kent and the Great Rebellion 1640-60 (Leicester, 1966), p.41.)

* A minimum of £1000 p.a. may be suggested for each of these. They all received baronetcies which, according to R.Beatson, Political Index (1806), i.250, were granted only to those of gentle birth and estates of at least £1000 p.a. clear value.

CHAPTER 4

The Sheriffs as Governors

According to his own reckoning Martin Barnham was eligible for a knighthood largely because of his position in Kent as a landholder, but also because he had 'managed those offices of credite which a country gentleman was capable of'. There seem to be two basic assumptions in this statement: firstly, some offices in local government were more creditable, or prestigious, than others; and secondly, that these were the province of the gentry as a whole. For Barnham claimed more than that he was capable of them: he took it ^{for} granted that any gentleman could be called upon to do service. The broad concept of society and local government which is implicit in this had been expressed more eloquently and explicitly in the writings of one of Barnham's colleagues on the commission of the peace some years previously. William Lambarde analysed the society of his county, and others, in the following terms:

'The people of the country consisteth chiefly (as in other countries also) of the gentrie and the yeomanrie, of which the first be for the most parte *ἄρχοντες*, governors, and the other altogether *ὑπομένει*, governed' 1

1. W. Lambarde, A Perambulation of Kent (Chatham, 1828), p.6.

Lambarde's generalisation will be seen to apply to that small part of the county's gentry which is under consideration here. When the pattern of their service in other fields of government is examined, it becomes clear that they must be regarded as 'governors' rather than sheriffs. To put it another way, it cannot be argued that the sheriffs shared a group identity by virtue of their shrieval duties and nothing else; rather did they form an integral part of the landed interests which were entrusted with the major and various tasks involved in running their county for the Crown. Having thus established that the sheriffwick was only one of a number of guises a gentleman might find himself assuming, some attempt will be made to discover whether the point in his career at which he became sheriff has any significance. By demonstrating the level of his political experience prior to appointment it may be possible to complement the picture of his qualifications in terms of social standing and wealth which has already been presented in the preceding chapters.

Inclusion in the commission of the peace was the most obvious and common way in which a gentleman came to govern his county. Evidence for the Kent commission is far from complete, so that it is not always possible for example to say definitely when a man was first included,

but a body of quarter sessions material which has recently come to light has added a considerable number of commissions to those in the libri pacis and other sources already known. Even though many gaps remain, a number of important points emerge from the information which is available. In the first place, it is quite clear that the families which supply the county's sheriffs contributed substantially to the composition of the commission. This may be illustrated vividly by studying the structure of the latter body for a number of sample years: 1579-83, 1599-1605, and 1621-24. The following table shows how many of the 37 families were represented in each sample period, together with the number of occasions - out of 46 - on which they supplied sheriffs between 1580 and 1625. The figures are represented as proportions in each case.

<u>Date</u>	<u>Families (37)</u>	<u>Years (46)</u>
1579-83:	23(c.2/3)	31(c.2/3)
1599-1605:	34(c.9/10)	43(c.9/10)
1621-24:	26(2/3+)	34(c.3/4)

All but one of the sheriffs to be appointed down to 1602 (Sedley the exception) are represented in the commissions at the beginning of the period; and in most cases it was the sheriff himself who sat. Six of the families in this first sample provided sheriffs for

James as well as Elizabeth, and another two of his appointments were from these 23 families.¹ Clearly a high proportion of the families, supplying many sheriffs, were providing justices of the peace both at the beginning and the end of the whole period under survey. In the longer middle sample period, from 1599 to 1605, the figures are even higher: all 37 families except Sandys, Livesey and Hayward were involved in peace-keeping activities in the county, and they supplied the crown with 90% of its shrieval nominations.

Moving on from the families to the sheriffs themselves, the second point to emerge from a study of these sample commissions, and any others which are available, is that the overwhelming majority of men who became sheriffs also acted as justices at some time. No evidence has been found to indicate that Thomas Norton (1618-19) or Thomas Hamond (1624-25) ever sat on the commission, though in view of the unevenness of the evidence, this does not necessarily mean that they were never included. In any event, all the other sheriffs are known to have been justices. This phenomenon may be strikingly illustrated by a further reference to the years 1599-1605, where we see that, even during this short time, men who served as sheriff in no less than

1. Cromer, Baker, Finch, Hales, Scott, Fane; Roberts, Hamond.

29 years(c.2/3) of the period were themselves present in the commission.¹

While a man was sheriff for only one year, his activity as a justice was usually a long-term affair. William Lambarde considered that a man would normally be appointed for life: with an imperfect series of commissions this cannot be tested fully and accurately, but the available information tends to confirm this general principle.² Justinian Champneys for example is known to have served in the early 1580's prior to his shrievalty in 1583-84, immediately after it in the mid-1580's, and then every year in the period 1592-96.³ Similarly Robert Bing's term as justice included a period of apparently continuous service in the years 1583 to 1587.⁴ There is no reason therefore to doubt that Martin Barnham's record was unexceptional:

'... he was made a justice of the peace; in which service, so necessary for the good and saftie of the commonwealth he was as active, as able, takinge greate paynes therein even untill the day of his death, savinge three or smale tymes of intermission, wherein he was

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1. PRO SP 12/145; Assizes 35/23/4&5; Assizes 35/25/4; C 66/1523/7; /1549; /1594; /1620; /1662; /1683; C 193/13/1; C 66/2285; /2310.
 2. W. Lambarde, *Eirenarcha* (1599), p.26.
 3. P.R.O. SP 12/145; B.M. Lansd.35, fo.134a; Harl.474, fo.18b; P.R.O. E 163/14/8; K.R.O. QM/Sess.Rolls; U 350/03; QM/Sess. Rolls 14 Sept.'94 & 18 Aug.'95; P.R.O. SP 12/Case F.
 4. B.M.Lansd.35, fo.133b; Royal 18D111, fo.23a; Lansd.737, fo.143a; Harl.474, fo.18a; P.R.O. E 163/14/8.

put out of the comission; twice by the unjust displeasure of greate lords, whoe meant a disgrace therein, and last of all by his owne desire to free his life from the trouble of that service; but after his two first puttings out of commission he was putt in againe within a few months' 1

In all probability most of the men who were sheriffs at this time were called upon to do continuous service as justices. As such they might attend quarter sessions or the smaller gatherings of the petty sessions, but if they failed to do this they could still be active in their own homes, listening to complaints and binding people over to appear at the next sessions. The absence of records for such activity may not necessarily mean that a justice was failing to perform the task with which he had been entrusted: he could do his duty perfectly well in a way which need not require any record. It was claimed that Barnham had bound over only a few of the many who had come to him with their quarrels during his life, 'his perswasions of peace prevailing on other occasions'.²

A steadily increasing number of men were participating in general peace-keeping activities of this kind. As in many other counties, the commission of the peace in Kent showed a sustained and marked growth in size. The following figures represent the number of men appointed during the sample years already used:

1. T.B. Lennard, 'An original manuscript ...', The Ancestor, ix.202.
 2. Ibid., p.202.

<u>Date</u>	<u>Nos</u>	<u>Average for the period</u>	
'79/80	79		
'81	75	<u>73</u>	=
'83	66		
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'99/00	93		
'00/01	93	<u>97</u>	} =
'01/02	104		
'03/04	107		
'04/05	109	<u>112</u>	
'05/06	119		
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'21/	135		
'22/23	121	<u>125</u>	=
'23/24	119		

Over the whole period then, the commission expanded by almost 3/4(71%). The average size in Elizabeth's last years was 97, representing an increase over the 1580's figure of around a third (31%), and this had expanded by one third again (30%) by the end of James' reign.

In some cases however, there was work which required the intervention of only a handful of men on these large commissions. It usually involved matters of more immediate concern to the government than the routine task of maintaining the peace with which the justices as

a whole were entrusted. On these occasions the privy council dealt directly with a small number of local gentlemen. It could interest itself in any number of matters arising in the locality, and if it considered intervention necessary it would send instructions to at least two gentlemen requiring them to look into the matter, do what they could to deal with it, and keep the council informed of their progress. In this way the central directing hand of the crown's ministers was felt, and consequently the man in the locality was supervised more immediately than was the case in his normal day-to-day activity as a justice. The records of the privy council show that a good proportion of the 44 men were engaged in this sort of work from time to time in the period 1580 to 1625.

In the early 1580's for example, Sir James Hales of The Dungeon, Canterbury, who had been sheriff in 1574-75 and was to serve again in 1586-87, was regulating the amount of corn and victuals leaving the country in an attempt to prevent undue price increases at home.¹ Another two sheriffs, Richard Baker and William Cromer, shared in this work in 1585, Cromer having previously satisfied the privy council of his diligence on an earlier occasion

¹ PRO SP 12/160/46; SP 12/184/38.

in 1573.¹ Several other men were enlisted to deal with problems arising from harvest fluctuations and attempts to manipulate the market. An abundance of corn in 1597 tempted a number of men to control stocks so as to make 'want amidst plentifulness', and so boost the prices they could demand. William Sedley and Peter Manwood, among others, were asked to search them out and secure their attendance upon the council for examination.²

The council in fact was fairly frequently concerned with personal disputes within the county, and made use of the immediately available gentlemen to glean all the information it could. In 1588 Justinian Champneys and William Sedley had to follow up complaints against a captain that he had not paid some Kentishmen who had been pressed for service in the Low Countries; two years after this, Palmer helped to investigate an assault following a man's revelation that another had exported munitions to the enemy; and in 1614 a quarrel between a Cranbrook clothier and his creditors resulted in the local justice, Thomas Roberts (1621-22), being asked to send details to their lordships.³

Ultimately many of these special tasks could be said to be part of the basic requirement of maintaining the peace, and in this sense they were mere extensions of

1. BM Harl.474, fo92b; APC, viii.145.

2. APC, xxviii.29-31.

3. APC, xv.337-39; xviii.396-97; APC'13-14, p.472; see also xv.111.

the justice's functions. This certainly becomes apparent in other wide-ranging activities in which some of the men became involved. In 1589 for example, it became the special concern of Champneys to set up standing wards and watches on the main highways within seven miles of London: soldiers returned from the Portuguese expedition were now assembling on these roads, and some had threatened the peace. They were to be dispersed and brought before a justice within their own county.¹ We have seen that Manwood was instructed to take measures against corn engrossers in 1597, but in the previous year he had tackled the other side of the problem when he took action against men who had rioted and looted corn wagons. Many years later, in 1620, he and five other justices, including William Withens (1609-10), were selected to consider the best location for new breweries so that they could be properly regulated and prevented from producing strong beer which might lead to drunkenness and disorder.²

We have so far paid some attention to the commission of the peace but among the men who became sheriffs there were some who were commissioned by the crown for other work. As commissioners for purveyance in the early 1590's, Moyle Finch and William Sedley were in a strong position to influence what success the crown might have in negotiating a satisfactory composition for purveyance.

1. APC, xviii.55-56.

2. APC, xxv.334; APC '19-'21, pp.202-04.

Certainly William Sedley was pressing hard to secure a reduction in Kent's contribution in a letter he wrote to Cobham in August 1593.¹ The county, he declared, was willing to compound for its contribution as did other counties, but it would be better if it could pay less: Kent already had substantial and exceptional charges to meet, principally because the navy was stationed in its harbours and had to be provided for, and because of the need for the extensive upkeep of warning beacons along its coasts. Finch also worked with other men who became sheriffs in this period when he was made a commissioner again in 1603; this time they were Michael Sandes, brother of Thomas, and already an ex-sheriff twice over, and Thomas Baker, son of Richard and due for appointment in November 1604.²

More importantly, many of the men are known to have become commissioners for the subsidy: at least a third of them served in this capacity, though the probability is that this proportion should be higher.³ Moyle Finch was active here too. In 1602, Lord Henry Cobham was urging him to reconsider his appointment of a man of more than 80 years of age as a collector of the subsidy.⁴

1. Stafford CRO D 593/S/4/10/22; CSPD 91-94, pp. 364-65.

2. HMC De L'Isle and Dudley, iii. 75.

3. PRO E 179/249/5, 7; 7127/510, 515, 530, 569, 574, 588, 589 for Finch, Manwood, Palmer, M. Sandes, J. Cromer, Smith, W. Sedley, Twisden, Lennard, G. Fane, Dallison, Withens, Gilbourne, Knatchbull, E. Scott.

4. HMC Finch, i. 35.

Within a few years Finch also became involved in the collection of unparliamentary taxation: he and William Sedley were busy in 1609 collecting an aid in East Kent.¹

We have already seen that Cromer was engaged in a range of activities similar to that which occupied Finch, and it may be useful at this stage to consider him in more ~~detail~~^{detail}, because the privy council registers show that he was entrusted with an extensive range of additional duties over the years. Born in 1531 Cromer, of Tunstall near Sittingbourne, had been attainted for his part in Wyatt's rebellion in 1554, pardoned shortly after, and finally restored in blood in 1563. Ten years later, Elizabeth visited him at Tunstall during her famous 1573 progress. This alone would be sufficient testimony to Cromer's prominence in the county, but even without it he emerges as a man of standing by virtue of the important nature of some of the work he was asked to do. In 1571, the privy council excused a Kentish gentleman from paying his privy seal loan on the basis of advice they had received from three men, including Cromer; two years later he and Thomas Wotton were ordered to summon other justices in north east Kent to examine 'certain libells and sclaunderous billes set up in Canterburie'; in 1576 Cobham was urged to use

1. PRO SP 14/44/56; SP 14/47/66; see also APC, xx.186-87 for Thomas Sandes collecting a privy seal loan in 1590.

Cromer among other justices to organise the victualling of ships in Chatham dockyard; five years later he was asked to intervene in a local dispute to persuade John Finch of Faversham to allow the residents of Sittingbourne to practice archery in his field called 'Shooting-field' according to traditional custom, and in 1587 he was again chosen to act as arbiter, this time between two parties locked in a land dispute.¹

Cromer was also one of several men who dealt with a case of corruption within the corporation of New Romney in the years 1588-90. The affair seems to have started in the latter part of 1587 as the result of a dispute between an Antony Finch on the one hand, and a William Southland, together with the mayor and jurats of the town, on the other. Michael Sandes and Moyle Finch were among those investigating the trouble at this early stage, but by March 1588 Cromer and James Hales had been commissioned to conduct a full enquiry into allegations of misgovernment, and it was on the basis of their report that the council drew up plans for the correction of abuses: they had discovered that the town was at the mercy of a powerful faction which excluded good and honest men from the corporation, and took in some who had no merit at all. Among those later given the job of keeping a watchful eye

1. APC, viii.23,85; ix.205;xiii.293;xv.111; see also ix. 111-12;xvi.114-15.

on subsequent developments in the town were two other sheriffs of the period, Thomas Fane and Thomas Palmer.¹

Cromer's responsibility on another occasion brings us to a consideration of the part played by some of our 44 men toward the defence of their county and the state. The deteriorating diplomatic position during Elizabeth's reign reflected badly on the English catholics, and under these circumstances the conduct of some of them naturally aroused suspicion. In 1579 Cromer had been commissioned, along with the Dean and Archdeacon of Canterbury, to examine a certain John Donne for uttering in favour of the 'Romishe religion' in Canterbury.² Thomas Willoughby, Samson Lennard and William Beswick all helped to investigate the activities of individuals suspected of Roman catholicism.³ In 1585 James Hales, George Harte and Thomas Sandes were part of a small group of justices who had been entrusted with the vital task of disarming Kent's recusants,⁴ and Sandes and Finch were among commissioners for recusants appointed seven years later in 1592.⁵ The possibility of a Spanish attack brought

1. APC, xv.301-02,421-22;xix.5 et seqq.;xxi.287-88.

2. APC, xi.124-25.

3. PRO SP 12/182/26; CSPD'81-90, p.267; APC'15-16, p.141; xxvi.373,424;xxix.283.

4. BM Harl.474, fo.88a.

5. Stafford CRO D 593/S/4/6/17.

home to the government the need to strengthen Dover Haven, and Hales, 'with other competent persons' was involved in the early stages of this work in 1580.¹ He was responsible on a number of occasions for reporting progress and urging the necessity for further expenditure to allow it to continue.² Thomas Fane, Finch and Manwood also took part in continuing the work in the early 1590's, again reporting on the level of progress, but also making suggestions as to what was 'moste nedefull to be performed', and for the overhaul of the machinery for financing the project so that it might not be endangered.³

Principally during the first decade of the period, but also at other times throughout, many of the men were involved on various levels in the military preparations undertaken to meet the possibility of a Spanish attack. In the early part of 1588, both Michael Sandes and Nicholas Gilbourne (1610-11) were acting as scoutmasters in the exposed eastern part of the county, being responsible for supervising the system of coastal watches and guarding beacons and seeing that they could be fired effectively should the occasion arise.⁴ Beyond this however a number held posts of military command from

1. CSPD'47-80, p.668.

2. PRO SP 12/167/34 (Jan.'84); SP 12/169/31 (March'84).

3. CSPD'91-94, p.1; BM Lansd.66, fos.27 et seqq & fo.34a; Lansd.78, fo.216a.

4. CSPD'81-90, p.432; PRO SP 12/209/106; see BM Eg.860, fo.35b for Gilbourne acting as scoutmaster in 1609.

time to time. A captaincy was obviously not the most senior of posts in the organisation, but according to Miss Scott Thomson it could constitute 'an ample share of all the responsibility connected with the county levies'.¹ A little under half of the men (20) had captaincies, twelve of them in the crucial year 1588.² At that time James Hales, whom we have already seen to be heavily involved in county affairs, served as captain of 50 lances, but also on a superior basis as colonel general of the horse. But generally these men were placed in command of a number of men within their own lathe, so that for example, Thomas Fane esquire of ^{Burston}~~Burston~~, some four miles to the south west of Maidstone, was assigned 200 men from the lathe of Aylesford, while his elder brother Sir Thomas Fane was given 300 within the same lathe. The figures of 200 men for an esquire and 300 for a knight seem to have been fairly standard, and indeed in 1584 James Hales made a great deal of the fact that as a knight he should have his full 300 men as others of 'his sort' did, otherwise he would prefer not to 'meddle' at all.³

1. G. Scott Thomson, The Twisden Lieutenancy Papers, (Ashford, 1926) p. 8.

2. T. Fane, Harte, R. Baker, Champneys, J. Hales, Fineux, Hardres, W. Sedley, Willoughby, Lennard, Palmer, Smith, T. Scott, Manwood, Edolphe, E. Hales, Filmer, Norton, E. Scott, T. Roberts.

3. CSPD 47-'80, p. 662; PRO SP 12/172/99('84); SP 12/208/25('88); Arch. Cant., xi. 388-91('88); KRO U1000/3/05/20; PRO St. Ch. 8/309/5(1602); HMC Finch, i. 42('21); PRO SP 12/172/99.

Hales voiced this opinion in a letter he wrote to Walsingham on the state of the county levies, and he did this in his capacity as a commissioner for the musters. A further seven men, six of them among those who were captains, can be shown to have held this commission during the period.¹ Within the context of a hierarchy of military command which was still flexible and fluid however, the responsibility for marshalling the defence forces of the county was often spread among men more numerous than the purely formally appointed body of commissioners. Once again it is quite clear that any gentleman of the county, either by virtue of his place on the peace commission, or simply because he was a prominent man in the area, might be called upon to aid in this work even though he had not received a musters commission.² If Miss Scott Thomson is right in equating this commission with the lieutenancy, or the deputy lieutenancy,³ then the numbers of 'deputies' within the county could be high. Nonetheless five men who became sheriff over these forty six years enjoyed the distinction of being formally constituted deputy lieutenants. Hames Hales was probably the first of them to be chosen: in

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1. G.Scott Thomson, op.cit., pp.67-68,74, for Bing, Willoughby, Champneys and Twisden; BM Harl.474fo.75b, for Cromer and Hales; APC, xxvii.109 for Fane and Manwood.
 2. G.Scott Thomson, op.cit., pp.7,77,93,101 for examples of the justices' military work.
 3. G.Scott Thomson, op.cit., p.8.

1588 he was acting under the Lord Lieutenant Lord Cobham.¹ But he was to occupy the position of deputy for only a short time. Extending his already wide-ranging activities further afield, Hales set sail as treasurer to the Portuguese expedition of 1589 and died at sea.² The privy council appears to have considered that his death created a gap in the structure of the lieutenancy which had to be filled, and they wrote to Cobham soon after Hales' death urging him to appoint Sir Thomas Sandes in his place.³ Peter Manwood's appointment at the end of 1601 occurred in a similar way. Thomas Fane had become a deputy by November 1596,⁴ but within five years had become ineffective as a result of the illness which was forcing him to give up his lieutenancy of Dover Castle for the time being. On this occasion the Lord Lieutenant, now Henry Brooke who had succeeded his father on his death in 1597, wrote to Cecil requesting that his 'cousin Manwood' be chosen as the new deputy, and five days later the council in fact made out an order to this effect: when Cobham's lieutenancy came to be renewed, Manwood's name should appear in the commission along with the other deputies.⁵

1. APC, xvi.154; G.Scott Thomson, op.cit., p.7.

2. Hasted, xi.399.

3. APC, xviii.94.

4. HMC Fifth Report, p.139.

5. HMC Salis., xi.533; APC, xxxii.450.

In 1619 he was still acting in this capacity when he and his fellow deputies managed to force the privy council to intervene on their behalf in the county. They wrote a stern letter to the council complaining that they had been accused of appropriating coat and conduct money. They pointed out that their reputations were at stake and urged the council to make it clear to the county that they were innocent. Failing this the deputies

'shall be greatly discouraged hereafter to take upon them suche imployment agayne upon any occasion happening.' 1

This amounted to a threat to the running of the system of county defences, and in face of it the council gave orders that all proceedings against them should cease forthwith. The fifth deputy lieutenant was Sir Edward Hales, second cousin to Sir James, who seems to have served first of all under Ludovick Stuart, Duke of Lennox and then of Richmond, and was then retained in the office under Richmond's successor Philip Herbert, Earl of Montgomery.²

It was another of the sheriffs, Edward Wotton, who attained the rank of Lord Lieutenant and held it for the longest continuous spell in this period, from 1603 to 1621.³ His previous military experience seems to have

1. APC 1618-19, p.339.

2. CSPD 1619-23, p.614; APC 1625-26, p.185; G.Scott Thomson, op.cit., pp.8-9.

3. G.Scott Thomson, op.cit., pp.8-9.

been confined to acting as treasurer of the camp raised in August 1599 to meet the danger of a Spanish invasion.¹ On the other hand he was well qualified in terms of his other services and achievements. A little of his career prior to his appointment as sheriff has already been mentioned,² but by 1603 he had advanced a good way beyond this. As a result of his important work in Scotland in persuading James to accept Elizabeth's pension, and his being made a gentleman of the privy chamber, he was fairly prominent at Court by 1591.³ In August of that year there was already talk of his being appointed to the Secretaryship.⁴ But this proved to be no more than talk, as was also the case with Rowland White's report to his master, Sir Robert Sidney, in June 1597 that he had heard from

'... some very inward with 200(Sir Robert Cecil) that their is a purpose to make Sir Edward Wootton Secretary ...'

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If Wotton himself was fully in support of the idea of his being made Secretary, he temporarily shifted his attention from it in 1595 in order to make his famous unsuccessful attempt to move Burghley

'to bee my means to her majestie for the tresorershippe of her chamber.'

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1. CSPD 1598-1601, p.282.

2. Chapter on Social Origin and Status.

3. DNB sub Wotton, Edward 1st Baron Wotton; CSPF Jan.-July '89, p.92.

4. CSPD '91-'94, p.97.

5. Collins, Sidney's Letters of State, ii.54-55.

6. BM Lansd.79, fo.62a.

By October 1597, four months after the letter already cited, White reported another line of speculation to Sidney which proved ultimately to be more accurate:

'here is a daily expectation of Sir Edward Stafford's and Sir Edward Wootton's being made counselors ...'

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Such daily expectation as Wotton and others may have had was again frustrated, at least for the moment, for it was not until 22 December 1602 that he was sworn of the Privy Council largely, according to White, because of the support of Lady Walsingham.² At the same time he was made Comptroller of the Household and thus came to occupy a position inferior to the Treasurership he had pressed for seven years before.³ The new king kept him in this dual role, and made him lord lieutenant and a baron, and in 1612 he was finally made treasurer of the Household, from which post he was persuaded to retire in 1618. He was now 70 years of age and as ambitious as ever: he seems to have imagined that on surrendering his staff of office further dignity would be bestowed upon him, but one observer was of the opinion that James was opposed to any idea of his become^{ing} a viscount.⁴

Wotton's achievements fell short of his desires, but in terms of office and court politics he went further

1. Collins, op.cit., ii.62; HMC De L'Isle and Dudley, ii.293.
 2. Collins, Sidney's Letters of State, ii.262.
 3. APC, xxxii.490.
 4. S.R.Gardiner(ed.), The Fortescue Papers, Camd.Soc.(1871), p.38; PRO SP 14/95/15.

than any of the other sheriffs who became involved in spheres which were not strictly the concern of the county of Kent. The lieutenancy of Dover Castle was very important to the government, especially in the 1580's and the war years, for maintaining lines of communication between the Crown and its associates abroad, and generally for keeping a watchful eye on developments across the Channel. Thomas Fane filled the post by August 1588,¹ and continued to do so until his bout of illness in 1603 forced him to seek temporary relief from his responsibility. He had in the meantime been responsible for the defence of the castle and that part of the coast around it, for supplying English forces serving abroad and for feeding the central government with information about visitors entering the country through Dover.² His nephew George served for a spell in 1603 while Thomas was away, and by July 1615 the sheriff for 1624-25, Sir Thomas Hamond, seems to have been appointed to the position.³ Moyle Finch turned his attention to estates other than his own when he became a steward of Crown lands: in 1591 he became Steward for Essex, and later for Olney. He also became bailiff of Whittlesea Mere and Surveyor of the Swans in Huntingdonshire, Northamptonshire, Cumberland

1. BM Eg.2095, fo.366b.

2. See for example: CSPD 1601-03, p.243; APC, xxi.3-4; APC, xxviii.10.

3. HMC Salis., xv.279; Hamond's identity is not clear; CSPD 1611-18, p.295.

and Lincolnshire, and Ranger of Waltham Forest, Essex.¹ In 1603 he was appointed to another stewardship, this time in Kent, that of the possessions of St Augustine near Canterbury.² Like Wotton, Thomas Palmer and Edward Filmer became gentlemen of the privy chamber, but do not seem to have gone any further.³

Edwin Sandys' record of opposition to the crown in Parliament was probably the chief reason why early signs of a career of loyal service well rewarded came to nothing. The years he spent abroad in the 1590's seem to have been devoted in part at least to some minor diplomatic activity entrusted to him by the Queen,⁴ and as already shown, he was fairly close to the Stuarts from the outset in 1603.⁵ Indeed one biographer has stated, without giving any further details or citing authorities, that he performed many loyal services to the Crown at this time.⁶ In 1624 however, after years of criticism of government policy on the floor of the Commons, and with another session imminent, the king set about appointing him and another troublemaker, Sir Edward Coke, to be privy councillors for Ireland. Instructions were sent to

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1. R.Somerville, Duchy of Lancaster, (1953), i.607; CSPD 1603-10, p.453.
 2. PRO SP 14/60/4.
 3. GEC, Comp.Brntge., i.166; N.Carlisle, Gentlemen of the Privy Chamber (1829), p.131.
 4. APC, xxv.496-97.
 5. Chapter on 'Social Origins and Status'.
 6. A.Wood, Athenae Oxonienses (1815, ed.P.Bliss), ii.col.473.

the Lord Deputy for administration of the appropriate oath of office upon 'their repaire thither'.¹ In the event Sandys did not leave for Ireland. Chamberlain was of the opinion that he had made his peace with James by a promise of 'all manner of conformity', and he took his seat in the 1624 Parliament as one of the Knights of Kent. Had he taken up the Irish appointment in 1624 it would have been a disgrace rather than an honour for him.²

When Lambarde described the gentry as being 'for the most parte ... governors', he was probably referring as much to their place in society as to a particular commission they found themselves executing at any one time: the major tasks of government would fall to them and no-one else. The vast majority of the forty four men under consideration here can be shown to have been involved in the active government of the county, though some of them occupied posts which meant that they served the crown, rather than the crown in Kent. The following table summarises the discussion so far in that it records and classifies known formal appointments.

1. PRO Ind.6806, 13 Jan.1624.

2. CSPD 1623-25, p.156.

Governing activities(44 men)Government in Kent

J.P.	42	Scoutmasters	2
Ld.Ltt.	1	Dover Haven	4
Dep.Ltts.	5	Recsts.Commiss.	5
Muster Commiss.	8	Subs.Commiss.	15
Col.Gen.	1	Purvyce.	4
Captains	20	Aids & Loans	3

Outside

Ltt.Dover Castle	3	Pr.Cnclr.	1
Stewards	1	Compt.Hshld.	1
Gent.Pr,Chmb.	3	Trsr.Hshld.	1

In the light of this activity it is relevant to ask if the point at which they became sheriff was significant within the context of their overall political progress. What sort of apprenticeship was needed for the shrievalty, and did the shrievalty in itself qualify a man for further office? The range of work the men undertook was extensive, and clearly some were given greater responsibilities than others. But the one which was common to them arose from their inclusion in the commission of the peace within the county. In view of what has already been said about the nature of this service in terms of its length, it is scarcely surprising that they were almost all justices before

they were sheriffs, and as far as one can tell from the imperfect evidence, they went back to serving in the commission after their shrieval year. In this way, a man interrupted what was the 'normal' pattern of his life when he became the county's sheriff for a year. The table below may help to illustrate the extent to which this was true; the figures refer to shrieval years (a total of 46) rather than to the number of men (a total of 44):

<u>J.before Sh.</u>	<u>J.after Sh.</u>	<u>J.before & after Sh.</u>
<u>41</u>	<u>42</u>	<u>39</u>

Taken as a whole the figures confirm what has already been said about the existence of some sort of link between the shrievalty and the commission of the peace, and it may be true to say that a man became eligible for the office of sheriff in part because he had already been sharing the responsibility and privilege of governing his county as a justice of the peace. There was no essential link, in that the sheriff was required by law to have had this experience, and there is no apparent evidence that the Crown considered the matter in terms as explicit as this when it came to make the appointment. But allowing for the unevenness of the available material it must be stated as an observed fact that the sheriffs were men who had behind them a background of positive involvement in positions of authority.

Beyond this the evidence will not necessarily support the view that the sheriff on appointment had already been entrusted with more specialised tasks, or had served in other official capacities. Two cases provide a good illustration of this point. Moyle Finch and James Hales as we have seen were both busy men within the county. While a good proportion of Finch's important work was carried out before he was first made sheriff in 1596, James Hales undertook his tasks as a man who had served an earlier term in the shrievalty in 1574. The privy council commonly called on men to carry out operations of an urgent or pressing nature, and sometimes the choice fell on men who had not yet become sheriffs: this was the case with Fineux, Palmer and Beswick when, between them, they dealt with the recovery of goods which had been plundered from three ships wrecked off the Isle of Thanet, the municipal troubles in New Romney, and suspected harbourers of seminaries.¹ But in other cases, much of this close contact with the council came when men had left the shrievalty behind them; while for men like Kempe and Barnham, or Knatchbull and Dallison, there is no obvious indication that they acted in this ^{way} at any time.

It is difficult to see why the fact of a man's having served as sheriff should have exercised any

1. APC, xi.321; xxi.287-88; xxvi.424.

essential influence on the council's decision in such matters. It seems to have enlisted the help of gentlemen because they were governors already, and indeed most of them acted by virtue of their positions as justices. Another factor which determined a man's part in these matters was one of geography: if there were no substantial doubts about his loyalty and ability, then he was the obvious choice to deal with a problem which had arisen in his own neighbourhood. This is the most obvious explanation for the fact that Thomas Roberts of Cranbrook was called in to intervene in the dispute between a local clothier and his creditors in 1614, and why William Withens of Eltham in north Kent had to ensure that an outbreak of the plague in Bromley did not spread to nearby Greenwich, which the king and queen were to visit shortly.¹

It is equally difficult to isolate a distinct and definite relationship between the office and positions of major responsibility in military affairs. Twenty of our men became captains, five of them both before and after serving as sheriff.² Otherwise the figures are fairly even, eight having served as captain before taking the shrievalty, and seven serving after it. Justinian Champneys acted as a commissioner for the musters while he was sheriff,³ and Twisden and Manwood did so before

1. APC'13-14, p.472; APC'25-26, p.357.

2. Harte, Champneys, J.Hales, Fineux, Palmer.

3. G.Scott Thomson, op.cit., pp.67-68.

their appointment; but the five other men known to have received this commission were already ex-sheriffs.¹

It is not clear when Manwood first assumed the responsibility of the deputy lieutenancy, though we know that he was certainly being considered for the post prior to his being picked as sheriff. But the other four men who became deputy lieutenants did so after they had served as sheriffs, though whether this is essentially significant is discussed below.²

There is thus no obvious common link among the men in terms of offices undertaken before becoming sheriff, other than that of a place in the commission of the peace. When their year as sheriff ended they usually went back to acting as the local justice of the peace; sometimes they were called on by the privy council for some specific purpose, or included in a more specialised commission or given some other form of authority within the county. Again it is difficult to believe that the shrievalty was an essential qualification for greater responsibilities. Wotton, as lord lieutenant, was the outstanding example of a man who attained what was probably the major position of authority in the county, and combined it with some considerable success at court. Yet it cannot be argued that his shrievalty qualified him for this in any

1. T.Fane, W.Cromer, J.Hales, Bing, Willoughby.

2. G.Scott Thomson, op.cit., p.9; APC, xxxi.450; HMC Salis., xi.522.

significant way. As we have seen, his career prior to his becoming sheriff already pointed to the fact that Wotton might become the leading personality he did, and if he shared in the anticipation of his becoming Secretary as early as 1591, then he may well have considered that his appointment as sheriff in 1594 was a hindrance rather than a help to his hopes of a place as a Queen's minister. This could be part of the explanation for the fact that his letter to Burghley begging support for the Treasurership was dated 13 November 1595, when his release from his shrieval duties was imminent.¹ Equally, while it is true that a deputy lieutenancy followed the shrievalty rather than preceded it, it is difficult to establish that this earlier experience contributed directly to the military appointment. It must be granted that deputies other than the five with whom we are here concerned had been sheriffs in the past: Sir Thomas Fane and Sir Thomas Scott had been sheriffs in 1572-73 and 1576-77 respectively.² But on the other hand, a further four deputies had never served in the office, namely Sir Henry Cobham, Sir John Scott, Sir Thomas Walsingham and Sir John Leveson.³ Miss Scott Thomson

1. His successor, Thomas Palmer, was appointed two weeks later, on 27 November 1595.

2. PRO Lists and Indexes, ix.69.

3. G.Scott Thomson, op.cit., pp.7,9.

considered that as a deputy Leveson was 'prominent', however the state papers make it abundantly clear that, quite apart from his military activity, Leveson was as important a man for the government of the county as a Finch, a Hales or a Cromer.¹ It cannot be argued therefore that the office of sheriff was a necessary step along the path to positions of senior responsibility within the county.

The men who became sheriffs of Kent in this period must thus be recognised as forming an integral part of the county's governing classes. They were not exclusively sheriffs: they did not become governors for the first time when they were appointed, and they did not cease governing a year later when someone else took over the shrievalty. They usually combined the role of landed gentleman with that of justice of the peace for a good part of their lives, and in this way made a fundamental and important contribution to governing, or maintaining the peace of, their county on a full-time basis. The shrievalty was exceptional to them only because it gave them for one year an authority which differed from the one they exercised for years on end as members of the peace commission. The sheriff's office

1. See for example: CSPD 1591-94, pp. 187, 542; CSPD 1595-97, pp. 306, 363-64; APC, xix. 74; xxvi. 346, 377, 422-23; HMC Salis., xi. 31, 32, 59-61.

and the considerable responsibility which he ultimately carried for the actions of his subordinate officers, was thus not placed in hands which were unused to wielding power: it was retained within that small group of gentlemen who were already recognised by the society around them to be men of authority.

This basic concentration of power within the county is vividly demonstrated by the fact that between them the sheriffs performed a whole range and variety of tasks which seem to have been a good cross-section of governing activity as a whole. Some do not appear to have done much apart from serving as justice and sheriff, but others were involved quite deeply in the most pressing problems of the day. They dealt with subsidies, aids, and purveyance when the state of the Crown's revenues looked increasingly unhealthy. As justices they tried to maintain the safety of the commonwealth from dangers within, but as captains, muster masters, deputies and so on, they also formed a sizeable core of those who were engaged in preserving it from dangers without. This work was of obvious importance during the first half of the period with the approach to war and the war itself, but its value must be stressed because Kent is a county with a long coastline especially exposed to the threat of an onslaught from the Continent. When it seemed certain

that catholic Spain would make that onslaught, they extended their scrutiny over catholic recusants, and took away arms which could be used to aid the invader. The war with Spain created a number of problems in the counties, and this fact goes a long way toward explaining why much of these tasks of government beyond the commission of the peace fell within the earlier part of the period under survey: most obviously, the level of military activity varied in more or less direct proportion to the size of the threat to the realm.

As a collection of men the sheriffs were just as important for the complex job of government as those who were not appointed. The shrievalty should not therefore be regarded as an office to be undertaken by men of little promise or secondary standing within society. Finch and Wotton were both well established in terms of the jobs they had done before they became sheriffs, and Hales' various activities were crowned by his second term of office shortly before his death. Whether or not a man became sheriff had little direct bearing on the broad shape of his career however. The cases of Wotton and Leveson for example indicate that the exceptionally prominent man would stand out independently of the shrievalty, and that political progress could be made

without ever experiencing shrieval duties. On the other hand, it cannot be argued that special prominence or experience was a prerequisite for appointment as sheriff. The common factor among the men was that they were pricked when they had already been serving as justices. Reducing it to its simplest terms, they were eligible for the office when they were already part of the established governing body of the county: the shrievalty could fall to any man because of his place in the commission; he would serve for a year and become a justice again. Relative to what Wotton was doing, this was unspectacular and even mundane; but the crude sort of hierarchy of offices which begins to emerge is fully in accord with the prejudices which Dorothy Osborne expressed to Sir William Temple some years later in the middle of the seventeenth century. When it came to marriage, she would have an ambitious man, and she would therefore shun a country gentleman

'... whose aim reaches no further than to be Justice of the Peace, and once in his life High Sheriff, who reads no books but statutes, and studies nothing but how to make a speech interlarded with Latin that may amaze his disagreeing poor neighbours and fright them rather than persuade them into quietness.'

1

1. E.A. Payne (ed.), The Letters of Dorothy Osborne to Sir William Temple (1903), p. 159, cited in E.P. Cheyney, A History of England (1926), i. 316.

CHAPTER 5

The Sheriff, his Under-Sheriff,
and the Bailiffs

In the bulk of the work of the shrievalty, the high sheriff's role was likely to be a small one: even by the early fourteenth century, 'the under-sheriff so far as one may judge might act for him in any capacity, even as attorney at the exchequer'.¹ Certainly the best source for the names of under-sheriffs for Kent in this period is among records of the exchequer.² By and large the sheriff entrusted the important task of answering for the revenues of the county to the under-sheriff: it is he, and not the high sheriff, who accounted for each sum which ought to have been collected by the shrievalty during the year. The sheriff himself might attend the exchequer however. At the beginning of the period, Sir Richard Baker played an active part in the passing of his account by claiming exoneration of large sums of money due from the issues of lands seized in his name and by previous sheriffs.³ But this degree of activity was probably exceptional, and the task more commonly fell to the deputy.⁴ A number of the sheriffs, especially

1. W.A.Morris, 'The Sheriff' in The English Government at Work 1327-1336 (1947), ii.102.

2. See Table A.

3. PRO E368/435: Status et Visus, Kent.

4. e.g. PRO E368/432(R.Baker):/525(J.Cromer);/526(M.Finch);/593(G.Fane): status et visus sctns.

during James' reign, attended upon the barons at the exchequer to start process for claims of allowance upon their accounts. This was the case for example for Sheriffs William Sedley (1589-90) and Norton Knatchbull and his six immediate successors (1606-13).¹ They were thus more active than other sheriffs who came to the exchequer 'through their attorney' on this occasion,² but their participation seems to have been strictly limited. They attended merely to gain a postponement of action on the account to a subsequent date, and when that time came it was not the sheriff but his attorney who petitioned for specific allowances.³ Even Baker's uncommon activity at the exchequer did not reach this far.⁴

In a major part of the sheriff's responsibility to the Crown therefore, the under-sheriff was clearly the more active party. His position is further reflected in Dalton's preface when he warned the 'gentry of this land (upon whom the burthen of this office lyeth) that they be careful how they transfer and turn over this their authority and charge to their under-sheriffs and officers ...'⁵ The office of the shrievalty should be kept in the sheriff's own house so that the under-sheriff,

1. E368/461;/528;/532;/535;/539;/543;/547: praecepta sections.

2. e.g. T. Sandes, PRO E368/425: praecepta.

3. See same Praecepta sections of note (1).

4. PRO E368/433: praecepta section.

5. Dalton, p.20.

'being a stranger with the whole execution of their office', might be kept under surveillance. Dalton evidently envisaged the inferior officer as the key man in his own day; but even so, he stipulated that where the sheriff acted as judge he could not alienate his authority to his deputy.¹ Presumably then, if the tourn met,² the high sheriff himself had to be present, rather than his deputy, for his role there was that of a judge. He might also deem it essential to be at elections of the knights of the shire in the county court because, although the freeholders 'judged' who was to be elected, it was incumbent upon the sheriff to judge that each man who voted was competent to do so.³

But a further distinction of functions was made in a brief account of Sheriff Martin Barnham's term of office in 1598-99. In his general eulogy of his father, his son Francis wrote:

'Those duties and directions which are required from an high sheriff in the substantiall and seremonious parte of his office, were so well performed by him as that they served for precedents to many of those that succeeded him.'

4

The substantial and ceremonious part of the office mentioned here would probably consist normally in

1. Dalton, pp. 3, 24-35.

2. See Chapter, 'The Judicial Work of the Shrievalty'.

3. Dalton, pp. 333-34.

4. T.B. Lennard, 'An original manuscript...', The Ancestor, ix. 203.

attending upon the justices at quarter sessions, the judges at assizes, and other commissioners, very often those for enquiry into recusancy in the county. However, even these functions could be performed by the deputy.¹ But on other occasions the sheriff could hardly act by deputy. He provided part of the necessary ceremony and protocol surrounding the presence of ambassadors or representatives of foreign powers in Kent. These men usually landed at Dover, and had to travel the length of the county to reach London. For reasons of geography then the Kentish shrievalty became involved from time to time, and albeit in a minor way, in the diplomacy of these years; and it thus assumed a characteristic which could rarely be matched by that of any other county. Of undoubtedly great immediate importance, these occasions were also ideal opportunities for the sheriff to maintain or enhance his personal standing and reputation, both in the county and in the eyes of the government.

His instructions in these tasks usually enjoined him to enlist the support of the socially superior men of the county. On the Duc de Bouillon's arrival in September 1596, 'the sheriff and the gentlemen of these parts' greeted him. The sheriff, deputy lieutenants

1. Dalton, pp. 370, 372; PRO E 368/578, praecepta section Kent for under-sheriff to Edward Scott providing dinners for the recusancy commissioners and jury, 1619-20.

and a 'convenient number of gentlemen of the better sort' were ordered to meet the Venetian ambassadors on their landing in 1603; and similar directions were given in 1620 for the reception of a special representative of the French.¹ Around 1600, the chief responsibility for matters of this kind seems to have been placed in the hands of Sir Lewis Lewknor, who shortly received formal appointment as Master of Ceremonies, and was active in organising diplomatic receptions, not only in Kent, but on a general basis. But even though the sheriff became subject to his orders, his part in these splendid processions was still a considerable one. His success or failure would scarcely remain unnoticed by the central government. Peter Manwood, the son of Chief Baron Manwood, served as sheriff in 1602-03 and therefore played his part in welcoming the Venetian ambassadors; but some three months earlier, in late June 1603, he had also been involved in the Marquis de Rhosny's visit on behalf of France. Robert Cecil subsequently received a long letter from Sir Lewis Lewknor in which an account of the ambassador's stay was given. 'I have found', ~~as~~ Lewknor wrote, 'that exceeding readiness and chargeable attendance in Mr Peter Manwood the high sheriff that I cannot but recommend him to you'.² Three years later,

1. CSPD'95-97, p.276; APC, xxxii.505; APC'19-21, pp.327-28; also CSPD'19-23, p.614 for reception of Spanish amb. in 1623.

2. HMC Salis MSS, xv.153; CSPD'03-10, pp.34-5, 40-1, 244 for Lewknor.

in April 1606, Lewknor again informed his master of the Marquis de St. Germain's reception by Sir Moyle Finch, who was then serving in his second term of office as sheriff. Finch and some forty knights and gentlemen 'all singularly well horsed and very well furnished' greeted the Spanish ambassador and conveyed him 'honourably and to his great contentment to his lodging in Canterbury'.¹

In 1611, shortly after his appointment in November, Sheriff Dallison became involved in a service of a similar, though more peculiar, kind. Monsieur de Vitry was ostensibly a hunting friend of King James, and in the latter part of 1611 he was in England once more. The Venetian Ambassador in France however had strong suspicions that he was in fact an agent for discussing the possibility of an Anglo-French royal marriage, and further that his visit also served to arrange the dispatch of English troops to aid the King of Denmark.² Whatever the case, de Vitry died here in November 1611, and arrangements were made for the carriage of his body to Dover, from where it would be taken back to France.³ In the course of accounting for the revenues of the county, Sheriff Dallison claimed allowance of £31 10 0 for expenses incurred

1. HMC Salis., xviii.117.

2. CSP Venetian, 1603-10, pp.134, 214.

3. CSPD 1611-18, p.91.

in '... the carriage and safe conduct of the bodie of Mounson de Vitry ... by speciall commandment from the lords of His Majestie's most honorable privye councill....' Thus the sheriff ('my selfe and thirty men and horse', hired by the day) accompanied the dead body of de Vitry through Kent: from Gravesend to Sittingbourne on 10 December, and on to Dover on the following day. Having completed their task they spent the next two days travelling back to Dallison's own house in Halling in north west Kent.¹

Beyond matters of this sort, the under-sheriff was usually concerned much more intimately in the affairs of the shrievalty than the high sheriff. Indentures between the two officers reveal how the under-sheriff was bound to his master to perform all those duties set out at length in the course of the agreement made between them. It depended on the personal inclination of the sheriff as to how active he wanted to be, but both forms of indenture which Dalton printed are extremely comprehensive.² The survival of such indentures is very rare, but fortunately there is one for Kent for the middle of the period. It is significant both for the power which it put into the under-sheriff's hands,

1. PRO E368/547, praecepta process for Kent.

2. Dalton, pp.445-9.

and also for the considerable controls it left the sheriff. On 7 December 1599 Frances Raworth of Great Chart became bound as under-sheriff to Roger Twisden, who five days before had been appointed high sheriff of the county. He had been assured of Raworth's 'honest, upright and sufficient dischargeinge of the place and office of the undersherifwick'. Raworth would perform at his own charge all duties except those which Twisden himself would undertake; he would execute process, and he promised not to neglect to do so; should he be fined or amerced for any such neglect, or for faulty execution, then he would answer for the fines; he would save Twisden harmless from all actions, charges and debts arising from his duties; he would have him quit of the exchequer by not later than the end of May 1602;¹ in the impanelment of juries, or the execution of writs where actions of more than one hundred marks were involved, he must have Twisden's own guidance, as indeed he must for action taken on letters from the Privy Council; he must declare in writing every fourteen days the effect of all writs and instructions he had received, and he must be resident in Kent during the term of his office. In return, Raworth would enjoy 'all manner of such profitts, emoluments and commodities as and which to the sayd Roger Twisden as high shirife of the sayd county ... shall

1. He was in fact quit 25 Nov. 1601 (KRO, U49/01).

belonge or apperteyne for such things as the sayd Francis Raworth shall execute or doe according to the true intent and meaning of these patents'.¹ Raworth thus became entrusted with what was the bulk of the work of the sheriff, namely answering to the Crown for the fiscal responsibilities of the office, and the handling of process on writs. But Twisden had taken measures to ensure that he would be kept informed of the substance of all legal process, and he attempted to exercise a more positive control over cases of greater financial importance, and over any special instructions which might be issued from the Privy Council.

The most significant part of the indenture, which bears witness to the under-sheriff's activity and the relative passiveness of the sheriff himself, is the stipulation that Raworth should shoulder the responsibility for faulty or negligent performance of his duty. The undertaking to 'save him harmless' is echoed in Dalton's examples of indentures, and in a number of cases which appear in the Court of Requests and involve the shrievalty in various counties.² What emerges most clearly in such cases is the fact that the high sheriff had not been active in the routine business of his office, and that

1. KRO U48/02.

2. PRO Req.2/129/26(Wilts.26E1.);/94/10(Oxford 36E1.); /36/119(Norwich 35E1.).

he had accordingly taken precautions to avoid the consequences of actions at law concerning all those matters written away to his deputy. Obviously he must be circumspect in the way in which he gave such wide authorisation to act in his name. Barnham's son claimed that his father had ensured himself so well against the inherent dangers of the position that many approached him, even from beyond the county, to learn exactly how he had handled the problem.¹ The indenture, with its accompanying financial security for the under-sheriff's due performance of it, was the sheriff's safeguard against misuse of the powers he had alienated.²

Thus the high sheriff himself might be something of a sleeping partner in the shrievalty, and the term 'the sheriff' does not necessarily signify his own person. On occasion the under-sheriff's position throughout the country was recognised in an unusually overt way which left the sheriff out of account altogether. For example, in June 1601³ a Privy Council letter, giving instructions for dealing with the problem of vagrant maimed soldiers, was addressed 'to all under-sheriffs'. A letter written

1. T.B.Lennard, 'An original manuscript...', The Ancestor, ix.203.

2. One of the sureties for Richard Putto, under-sheriff to Michael Sandes, stood for £1000 (PRO St.Ch.8/259/29).

3. BM Add. 23,007, fo.12a.

to Cecil by Sheriff Manwood in July 1603 further indicates the under-sheriff's sophisticated standing. A proclamation had been issued for the arrest of Anthony Copley, 'a most wicked traitor'. Manwood was visited by a deputy searcher of Whitstable who believed that he had seen Copley sailing out of the harbour, and he showed Manwood the proclamation 'which at that time had not come to my hands from my under-sheriff'. Subsequently the sheriff himself took an active part in investigating the suspected voyager's identity, but his participation may well have been extraordinary. Certainly his deputy had received the proclamation rather than Manwood, and other people in the county were aware of the facts of the case before they were brought to his notice.¹

We have it on Dalton's authority that the routine work of impanelling juries and executing writs was conducted by the under-sheriff.² Nonetheless, he did so in the name of the sheriff, and under these circumstances direct and positive evidence for his execution of process is far from being abundant. Sometimes however, special influences meant that his role has been recorded in a definite way. For instance, on 29 May 1587, a writ went out to Sheriff James Hales to extend lands for the recovery of a debt of £1,400 owing to the Crown from the

1. HMC Salis., xv.172.

2. Dalton, p.103; see Chapter on 'The Judicial Work of the Shrievalty' for further remarks on the under-sheriff and execution of writs.

time of Edward VI. A month later an inquisition was taken to ascertain the holdings of the men named in the writ, and like other inquisitions, it was alleged to have been taken before the sheriff. However, a subscription to the document, which gave information which had not been known to the jury, was signed by the under-sheriff James Mascall, who 'in dischardge of my dewtye I thought good to advertyce the barons of this honorable courte' of exchequer.¹

Similarly in the execution of writs for the quarter sessions, the hand of the deputy sometimes becomes strikingly obvious: a venire facias for the impanelment of a jury bears under-sheriff Mabbe's instructions to a subordinate:²

'Thes are to will and require you to execute this warrant with effect and to make retorne thereof accordingly.'

But on the other hand, action by the sheriff himself cannot be ruled out, even in regular matters of this sort. Few jury lists and panels among the quarter Sessions records are signed by the supervising officer; but while one for June 1606 bears the current under-sheriff's signature, Sheriff Moyle Finch's name appears on one for July.³ Hence there are only the merest indications

1. PRO E 143/box 32 (extents and inquisitions).

2. KRO QM/SB/592, Oct. 1605.

3. KRO QM/SB/662 (James Gibson); QM/SB/677.

of personal participation by the high sheriffs in the regular work of Quarter Sessions activity. Nonetheless they are sufficient to qualify any statement which attempts to establish the idea of a universally passive sheriff in this sphere of his work. It is reasonable to suppose that the large amount of work involved in serving the justices of the peace, and in the execution of writs generally, was frequently passed over to be organised by the deputy; but clearly it cannot be said that the sheriff himself would never intervene.

The under-sheriff was socially inferior to his master, and was usually styled 'gentleman'.¹ Generally their families do not appear in the county genealogies, though Cadman, Mascall, and Willoughby are included in the visitations, the last by virtue of being son of the sheriff he served.² Beyond a strong possibility that Richard Baker and Maximillian Dallison were served by junior members of the major Kentish families of Moyle and Finch, there is no obvious and direct evidence that the under-sheriff usually had any family connections either with the sheriff he served, or with any other high ranking family in the county. Any firm conclusions about their educational background cannot be made: there can be no positive identifications from the printed lists

1. See Table A.

2. Harl.Soc.Pubctns., xlii, 57; lxxv, 65 & 49.

of admissions to Oxford and Cambridge, and similar uncertainty exists about entry to the four Inns of Court.¹ Experience in the legal art of execution of process was probably obtained at the Chancery Inns - there is evidence of Thomas Clocke's connections with Staple Inn² - or from the hands of an established country solicitor.

The men who served as under-sheriff in the period sometimes held other lower-level government office. Thomas Mascall, under-sheriff on two occasions in the early 1580's, became escheator for Kent and Middlesex from 29 November 1586, at the same time as James Mascall, possibly a relative, began as deputy to Sheriff James Hales. In 1593 Thomas also became clerk of the peace for Kent.³ John Note was appointed one of the collectors of the subsidy granted in 1601, and was probably active in the task at the same time as he assumed the under-shrievalty for Thomas Scott in December 1601.⁴ Humphrey Cubbett, Thomas Mabbe and Thomas Finch all served as coroners for the county at various times throughout the period: indeed Mabbe may have become escheator too -

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1. But see Berry, p.205: Walter Moyle may have been an utter barrister of Middle Temple.
 2. PRO Req.2/206/21; also Req.2/103/1 for an Essex under-sheriff's clerk, Christopher Temple of Furnival's Inn.
 3. PRO, A.C.Wood, 'List of Escheators for England' (1932), p.71; Sir Edgar Stephens, The Clerks of the Counties (Newport, Mon. 1961), p.109.
 4. PRO E 143/box 44: Note appears on a schedule attached to a writ of fieri facias for Kent.

though the Mabbe in Wood's list is called 'esquire - and if so, then he combined this post with that of under-sheriff to Nicholas Gilbourne in December 1610. However surprising this may be, there is nothing in Statutes of the Realm which indicates that such a combination of office was illegal.¹

The sheriff might seek to protect himself by means of a carefully drawn up indenture, but the Crown and the population at large needed protection too. An act of 1585 attempted to provide that protection, but it was also the most concrete recognition of the under-sheriff's importance, and gave tacit assent to his elevation. The preamble declared that many complaints had been made against under-sheriffs.

'who oftentye having to them committed by the high sheriffe the whole or parte of the exercising and executing of the office of the high sheriffe'

yet take no oath as does the sheriff himself. The enactment therefore prescribed that henceforth they should take the oath of supremacy and swear that they would not act corruptly in the office, or execute writs and impanel juries unjustly.² Undoubtedly this act is the best

1. PRO Ass.35/28/4/4 & /32/4/38(28 & 32El.); KB 9/723 no.286(Coroner's inquests,1607); Ass.35/50/5/42(1609); Wood,op.cit.p.72; & also pp.71-72 for likely appointments as escheators for Putto (1595), and for Mabbe (1624).
 2. 27 Eliz.c.12(S.R.,iv.719-20).

testimony to the acknowledged administrative importance of the under-sheriff by the late sixteenth century. But for many years he had fallen within the scope of legislation which had attempted to limit misuse of the shrievalty. Continuing in office for more than one year was dangerous because it meant a growth of experience in the opportunities of defrauding both the Crown and the people. Hence by the second half of the fourteenth century, it was illegal for a sheriff, under-sheriff or his clerk to serve a second term of office within two years of the first.¹ By the middle of the fifteenth century, bailiffs too had become subject to the same limitation.²

But such legislation was failing by the late sixteenth century, if it had not already done so long before. In his own day Dalton noted that under-sheriffs 'continue in their places many years together', and commenting on the legislation concerning bailiffs he wrote: 'Quaere for the use hereof at this day'.³ Tables A and B are lists of under-sheriffs and bailiffs for most of the period. The source for the names in Table A is usually the praecepta section of the Lord Treasurer's Remembrancer Memoranda Roll: it is here that petitions for allowance in the shrieval accounts are recorded,

1. 14 Ed.III, Stat.1, c.7, 42Ed.III, c.9(S.R.i, 283, 389).

2. 1 Hen.V, c.4(S.R.ii.171).

3. Dalton, pp.457, 500.

together with the name of the person making those claims: 'A.B. sheriff of the said county came here (to the exchequer) through his attorney Y.Z.' The Table is therefore a list of the names of those attorneys, and those whose names are in italics are known to have been under-sheriff to the sheriff concerned. Sometimes they are designated as such later on in the praecepta process; otherwise the information has come from other sources. It is certain that a good proportion of the attornies were in fact under-sheriffs, and in view of what has been said about the high sheriff's handing over the bulk of his responsibilities to a deputy, it may well be that the remaining men served in that capacity too.

Taken together the tables confirm Dalton's scepticism as to the efficacy of the legislation against continuation in office. For the forty six shrieval years concerned, twenty five individual under-sheriffs were employed. Seven of them served on more than one occasion: John Note took the post four times, and Thomas Mabbe served eleven times in the space of fourteen years. On the basis of the act of 1368, there were thirteen illegal appointments to the office in the period, twelve of them occurring after 1603. The list of bailiffs of hundreds shows a more striking continuity throughout. Over a period of some forty all but consecutive years, each hundred grouping

was served on average by only seven bailiffs. Sometimes appointments lasted for one year only, as in Chart and Longbridge during the last years, or in Eastry and Milton in the middle period. The commoner tendency however was for a bailiff to reign for a considerable number of years on end. Phillpott's long term in Eastry was only once interrupted, and indeed it seems that Stowting knew only three bailiffs throughout. There was some rotation in office from hundred to hundred, like that of the Henmans from Eyhorne to the Seven Hundreds, and a more significant feature is what appears to be family specialisation in the office. James Henman and his son served many times, three individual Butts became bailiff in Milton during the last years of Elizabeth, and three Clokes served in Chart and Longbridge, Shepway, the Seven Hundreds and Sutton at Hone.

Thus the under-sheriff and the bailiff constituted a body of government service in the locality, which was not absolutely permanent and stable, but which at times exhibited sure signs of becoming so. They were a group of men who, through years of service, came to embody a good deal of experience in shrieval duty. The appointment of bailiffs and under-sheriffs lay in the hands of the sheriff, but a proportion of the under-sheriffs served on more than one occasion and there was no fundamental or large-scale dismissal of bailiffs by incoming sheriffs.

To the average inhabitant in the county, the bailiff of the hundred in which he lived was a more immediate reality than the sheriff, or even perhaps than his deputy. He might execute writs and impanel juries in the hundred, for his close knowledge of the people of the area equipped him to do so.¹ The memoranda rolls reveal that he might also collect fines and issues in his district.² To many then, the shrievalty must have appeared to change little from year to year, and the middle years of the reign of James were more remarkable since the under-sheriff too became 'permanent'. The rise of Thomas Mabbe to a prolonged tenure of the under-shrievalty meant that for a long time, uninterrupted save by the appointment of an alternative deputy by Maximillian Dallison, the administrative activity of the Kentish shrievalty was co-ordinated in the hands of one man.

These tendencies toward a stability, if not a rigidity, in personnel suggest strongly that the offices were popular enough to be worthwhile ventures on more than one occasion. At first sight this is somewhat surprising because there is evidence that the office of

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1. Dalton, p. 458; G. H. Fowler, 'Rolls from the Office of the Sheriff of Beds. and Bucks., 1332-34'. Beds. Hist. Rec. Soc. (1929), p. 6 et passim.
 2. Praecepta process for Kent on PRO E 368/493; /528; /543; /547; /551; /555; /559: bailiffs (named) swearing that they could not levy money.

under-sheriff had become burdensome and unpopular. In 1588 an under-sheriff himself wrote to Burghley and the picture he painted of the office was a gloomy one of overwork, an overall lack of acquaintance with the whole county, and a consequent reliance on the bailiffs, 'the moste wicked and craftye persons of the worlde'. If an under-sheriff of skill and discretion worked hard in his job he would nevertheless, said the writer, be defeated by the wiles of others. Though he himself might labour with all honesty, his office had been brought into such discredit that there was even a proverb which ran, 'Twise an under-sheriffe and never an honest man'.¹ An undated document, probably written in James' reign, criticised the system of fee-taking at the exchequer in the passing of sheriffs' accounts: it claimed that each year, old debts 'which never could penny be gotten of' were charged to the sheriffs who would have to pay fees to officials in the course of getting a discharge for each such sum. The cost of accounting, and the anticipation of it, 'hath made many under-shiriffs runne away'.² Twice in 1606 the House of Commons took up the cry against exchequer fees on sheriffs, and further documents of 1609 detailed many of the fees which officials of various departments charged. The sheriff

1. BM Lansd. 57, fos. 16a-19a.

2. BM Harl., 6836 fos. 204a-205a.

of Yorkshire had paid £105 7 0 for clearing his account, the sheriff of Warwickshire £34 13 8, and the sheriff of Rutland £13 7 0. Indeed the 'chardges are nowe so greate as no body that honest is wylbe an undershereffe'.¹

The office of under-sheriff could be a dangerous one too. As an agent of the enforcement of the process of law, his chances of encountering hostility were strong. In executing a writ, the immediate interests of a man were usually threatened, and thus there might be a powerful incentive to resist process. Around 1600 a number of cases of violence against under-sheriffs throughout the country were brought into Star Chamber, and in 1603 a fine of £500 was imposed for offering resistance to execution of process. This type of offence was judged to be 'now common and exorbitant, and in the nature of rebellion and contempt of the King'.² In the latter part of 1607, John Note, serving as under-sheriff in Kent for the fourth time, was confronted by an extremely virulent form of contempt. On 29 June he had received a writ of capias in the name of William Gillinge, and directed against Sir Richard Bulkley of Lewisham. He was the son of Sir

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1. D.H.Willson(ed.), The Parltry Diary of Robert Bowyer, (Univ. of Minnesota Press, 1931), p. 154; W.P. Baildon(ed.), Les Reportes del Cases in Camera Stellata, 1593 to 1609 (1894), p. 437; BM Lansd. fos. 77a-b, 72a, 74a, 76a, 77b.
 2. W.P. Baildon, op.cit. pp. 125-9, 167. I owe this reference to R. Davids.

Richard Bulkley senior who had been a favourite of Queen Elizabeth and a member of her household. The father's wealth was considerable, but his son owed Gillinge £40 and, on the basis of the capias, Note was to arrest him and have him at the Court of Common Pleas on 6 October. On 25 September he arrested Bulkley at East Greenwich, but three yeomen, Charles Littleton, Hosea Allyard and Edward Ryle, apparently servants of Bulkley, attacked the under-sheriff. Ryle beat him violently on the head with a staff, and Note died shortly afterwards at 10 o'clock that night. The coroner's jury stressed that Note's execution of the writ had been undertaken in a peaceful manner, and with some initial reservations, Bulkley's mother, who wrote to Salisbury immediately after the incident, agreed with this and spoke up against her son's rash youth and against the yeomen who had made the 'unishievous' attack. The jury returned a verdict of murder by deed against Ryle, and by aiding and abetting against Bulkley himself and the other servants. Bulkley was subsequently pardoned, but the others seem to have been executed for their crime.¹

No-one had been in a better position to appreciate the ultimate dangers confronting the under-sheriff than the coroner who took the inquest on Note's body. This

1. PRO KB 9/723 no.286 (coroner's inquest); DNB sub Bulkley Richard; HMC Salis., xix.257; CSPD 1603-10, p.442; KB 29/248, rot.129a; Ass.35/51/5 no.6.

was Thomas Habbe, who nevertheless a matter of weeks later became under-sheriff to Sheriff Edolphe, and subsequently served for nine further years, thereby giving the shrievalty that stability in the middle years of the reign of James which has already been noticed. Clearly the advantages of the office outweighed its disadvantages. Generally, it might be sought after because of the financial gain it offered¹ for in the execution of all writs between party and party, the officers responsible were entitled to a fee. The act of 1585, necessitating the taking of oaths by under-sheriffs, attempted in so doing to keep the taking of fees within the limits of existing legislation,² and two years later a further act defined certain fees precisely.³ The scale of fees which Dalton printed is a comprehensive one which shows the rewards allowed to sheriffs or under-sheriffs, bailiffs and gaolers.⁴ It is also interesting to note that the 1682 edition of Dalton's Officium - as compared with the 1623 version - has some additional comments on fees. Despite the regulating legislation, 'it seemeth that use and custom hath sithence allowed divers fees'. Moreover, there was an extensive area where the fee was

1. PRO Req. 2/36/119 for request of the office in Norwich (35 El.).

2. 27 Eliz.c.12(S.R.,iv.719-20).

3. 29 Eliz.c.4(S.R.,iv.769).

4. Dalton,pp.467-74.

not fixed, but was to be arranged between the officer and the parties concerned.¹

Under-sheriffs and bailiffs held 'offices of profit' and this is a powerful explanation of any continuation in the office for more than one year. Indeed there is some evidence that the office of bailiff could be granted by the Crown as a means of reward for service, thus incidentally limiting the sheriff's own power of appointment. In 1577-78, Sheriff Edward Boys was alleged to have dispossessed William Bowle of the bailliwick of Sutton at Hone and Twyford. Bowle was an ordinary yeoman of Elizabeth's chamber, and he had been granted the office to enjoy the profits accruing from it without interference from the sheriff: a writ had gone out to Boys enjoining him not to molest Bowle. Subsequent to his first rejection of the bailiff, the Justices of Assizes for the south-eastern circuit, together with both the Attorney and Solicitor Generals, had further ordered Boys to reinstate him. His apparent refusal to comply with this instruction shortly brought him into the Court of Requests as defendant against Bowle.²

Here the Crown had exercised the right to appoint its own officers, however minor; and because the bailiff made money, his office could naturally be regarded as

1. Dalton, p.471.

2. PRO Req. 2/182/46, 16 June 20El.(1578).

a source of reward. The lower levels of the official hierarchy of the shrievalty provided in this way a convenient source of favour for minor royal servants: Kent had twelve bailliwicks, and Bowle's grant combined two of them. On this basis, six Crown servants might have been accommodated in this manner; however, the Crown does not appear to have been actively engaged in the appointment of the county's bailiffs. The manuscript calendar of patent rolls at the Public Record Office records William Bowle's appointment:¹ it was a grant of the office for life, and consequently seems to be the basis for John Bowle's assumption of the post in Sutton at Hone shortly after. Beyond this however, the calendar does not show that the other bailiffs owed their position to the Crown.

Another case in the Court of Requests indicates how the under-sheriff might arrange his fees, and beyond this, how he could use his influence to extract as much as he could. When Michael, the brother of Thomas Sandes, served as sheriff for the first time in 1584, he took as his under-sheriff Thomas Clerk, or Clocke of Ospringe, not far away from his own seat of Throwley. In the Requests case, Clocke was alleged to have delayed action on a writ for the recovery of a debt of £50 'or thereabouts' until John Firminger, who had sued out the writ, promised

1. PRO MS Cal./Index to Patent Rolls, 17 - 30 Eliz.
fo.66b: 18 Jan.19 Eliz.

to pay him £5. Subsequently, the under-sheriff 'having a greedy mynd of fillthie gayne', delayed the process again, and this time Firminger unwillingly signed a bill on 9 July 1585 which guaranteed the payment of £10 to Clocke by the following 11 October. After Firminger's death more than two years later, Clocke took his son Andrew to law for payment of the bill. Andrew believed that the bill had been paid by his father, and that Clocke was playing on his ignorance of his father's affairs in an attempt to take the fee again. He accordingly brought Clocke into Requests.¹ In a further plea, Firminger alleged that the bill was in fact a forgery; moreover, Clocke had served process on 10 July 1587, and on the basis of the statute of that year which defined the fees an under-sheriff might take in process of this sort, he had no right to charge a fee of £10 on execution for a debt of £80(sic). Clocke had antedated the bill in order to give the pretence of legality to his fee.²

Leaving aside the inconsistencies of these two pleas, together with the fact that Clocke was no longer under-sheriff in 1587, the case shows principally that the fee for action on a writ might be very considerable. Apparently Clocke stood by his claim to £10, for he had

1. PRO Req. 2/92/25, (32 Eliz.).

2. PRO Req. 2/206/21, (32 Eliz.).

taken legal action against Firminger for its recovery. Thus in order to secure payment of a debt of between £50 and £80, one of the costs of action at law would have been the payment of £10 to the under-sheriff for his execution of the writ against the debtor. But if the allegations which Firminger made have any foundation, then the manner in which that fee was arranged is also highly significant: by delaying action on the writ, and thereby holding up the whole case, Clocke could effectively force Firminger's hand, and name his own price for serving the writ. Plainly, the under-sheriff was in a strong position, and the system of fees could be subtly changed from one of payment for the service of execution into one of the extraction of as much as possible so that the writ might be executed in the first place.

Beyond this the under-sheriff could make money in a number of more definitely illegitimate ways. Juries could be impanelled to contain humble men who lacked the necessary capacity to serve, the better sort excused 'for money and bribes'.¹ When the under-sheriff levied fines which had been imposed in the courts, a number of possibilities were open to him, one of which was to levy the fine and fail to discharge the person so that it could be gathered again.² Thus the subject was

1. Dalton, p.498.

2. Dalton, p.500.

wronged, but the Crown too lost capital. Throughout the period, a number of documents indicate that the Crown was not getting its due from fines and issues which had been imposed in the courts. Unfortunately, evidence for Kent itself has not come to light here, but comments in these documents refer either to under-sheriffs in general, or to under-sheriffs in a number of particular counties. They do not deal with a particular man or group of men, and the picture they present may be assumed to be applicable in some measure to all under-sheriffs. Briefly the under-sheriff, when accounting at the exchequer for these revenues, could swear that for a number of reasons he had been unable to levy. Out of what he had actually levied, he would only pay a fraction then, and the difference would be his. One of the most common excuses for the non-levy of fines was that the persons upon whom they had been imposed were resident in a liberty within the county and therefore the under-sheriff had no authority to collect them. Around 1590 it was claimed that this gambit was 'a practize common with the most'.¹

Hence the under-sheriff's sphere of action might be a large one. The statute of 1585 and Dalton's

1. PRO E 143/box 43: two Elizabethan letter-pages on abuses of under-sheriffs, obviously misplaced in this box of Jacobean extents; SP 46/20/82(Dec.1595); BM Lansd.86 fo.90a, Lansd.167 fo.72a, fo.113a(1607); H.Saunders(ed.) The Stiffkey Papers, Camd.Soc., 3rd ser.,xxvi(1915),26.

statement on the position he held are strong evidence for the belief that by the late sixteenth century, his role as a helper in the shrievalty had grown and become consolidated into one which in many respects made him the most important man in the organisation. Although the sheriff might keep some powers in his own hands, and retain some sort of ultimate control over his deputy, an alienation of activity on the scale involved between Roger Twisden and Francis Raworth was probably normal. On the face of it, it is reasonable to suppose that a man of the sheriff's social standing would not want a very active part in the execution of process: this major aspect of the office was after all the work of a solicitor. Similarly, though he might attend upon the barons of the exchequer at some point in the passing of his account, his own personal participation in the detailed clearing of each item, and in the craving of allowance, was left to his attorney and under-sheriff. Despite the inconveniences attaching to the post of under-sheriff, there were nonetheless many good reasons why it was an attractive one: the right to take fees, the ability to exploit his position as the officer who moved the machinery of process, and the opportunity to intercept the flow of revenue from the subject to the Crown; all these combined to make his position one of potential profit. Seen in any other light, it is difficult to

reconcile Thomas Mabbe's repeated service with the claim that the office was unwelcome and burdensome.

Table A

<u>Sheriff</u>	<u>Attorney/under sheriff</u>	<u>Source</u>
'80:T.Fane	Thos.Mascall	E 368/432
'80:T.Sandes	Humph.Kyvett	E 368/425
'81:G.Harte	Geo.Burchall	E 368/432
'82:R.Baker	Walt.Moyle	E 368/433
'83:J.Champneys	Thos.Mascall	E 368/437
'84:M.Sandes	<u>Thos.Clocke</u>	E 368/441
'85:W.Cromer	Rich.Knight	E 368/445
'86:J.Hales	<u>Jas.Mascall</u>	E 143, box 32
'87:J.Fineux	<u>Hen.Pierce</u>	St.Ch.5/C24/23
'88:R.Hardres	Hen.Pierce	E 368/457
'89:W.Sedley	-	
'90:T.Willoughby	<u>Ed.Willoughby</u>	E 368/465
'91:S.Lennard	Jas.Gibson	/469
'92:R.Bing	Dan.Skinner	/473
'93:M.Sandes	<u>Rich.Putto</u>	St.Ch.8/259/29
'94:E.Wotton	John Eburne	E 368/481
'95:T.Palmer	<u>Hen.Pierce</u>	/485
'96:M.Finch	Jas.Gibson	/489
'97:T.Kemp	John Adye gt.	/493
'98:M.Barnham	John Note gt.	/497
'99:R.Twisdén	<u>Fran.Raworth</u>	/504
'00:J.Smith	<u>Henry Pierce gt.</u>	/505
'01:T.Scott	John Note	/509
'02:P.Manwood	Thos.Lincoln gt.	/520

Attornies' names are italicised when known to have been under-sheriffs.

Table A contd.

'03:J.Cromer	John Note	E 368/517
'04:T.Baker	<u>Thos.Mabbe</u>	KRO QM/SB,1603-10
'05:M.Finch	<u>Jas.Gibson gt.</u>	E 368/525
'06:N.Knatchbull	<u>John Note(killed)</u>	/614
	<u>Robert Webbe gt.</u>	/528
'07:R.Edolphe	Thos Mabbe	/532
'08:E.Hales	<u>Thos.Mabbe gt.</u>	/535
'09:W.Withens	<u>Thos.Mabbe</u>	/539
'10:N.Gilbourne	<u>Thos.Mabbe</u>	/543
'11:M.Dallison	Thos.Finch	/547
'12:W.Stede	Thos.Mabbe	/551
'13:A.Aucher	Thos.Mabbe	/555
'14:E.Filmer	Thos.Mabbe	/559
'15:E.Sandys	<u>Thos.Mabbe</u>	/563
'16:W.Beswick	<u>Thos.Mabbe</u>	/567
'17:G.Livesey	<u>Thos.Mabbe</u>	/571
'18:R.Norton	<u>Herb.Cadman gt.</u>	/575
'19:E.Scott	Isaac Tyse gt.	/578
'20:J.Sedley	<u>Herb.Cadman</u>	/582
'21:T.Roberts	Isaac Tyse	/586
'22:G.Fane	<u>Herb.Cadman gt.</u>	/590
'23:J.Hayward	<u>Isaac Tyse gt.</u>	/594
'24:T.Hamond	Wm.Steane	/598

Table B
The Bailiffs

	<u>Bridge, Petham</u>	<u>Chart, Longbrge.</u>	<u>Eastry</u>	<u>Source</u>
22El.	Wm. Holliwell	Samson Cloke	Jo. Hound	22.3.36
23El.	"	Jo. Sharpe	"	23.5.4
25El.	"	Hamon Cloke	"	25.4.43
26El.	"	"	"	26.4.5
27El.	"	"	"	27.5.4
28El.	Gilb. Holliwell	"	"	28.4.4
29El.	Jo. Newstreet	Ralph Quested	"	29.4.74
30El.	"	"	"	30.4.49
31El.	"	"	"	31.3.4
32El.	"	"	"	32.4.38
33El.	"	"	"	33.4.65
34El.	"	"	"	34.4.4
35El.	"	"	"	35.5.5
36El.	"	"	L. Padnell	2
38El.	"	"	Jo. Phillpott	7
39El.	Gilb. Holliwell	"	"	10
40El.	"	"	Henry Terrey	11
41El.	"	"	Jo. Phillpott	17
42El.	"	"	"	20
43El.	"	"	"	23
44El.	"	"	"	27
45El.	Wm. Sedger	"	"	28
2 Js.	"	"	"	29
3 Js.	"	"	"	33
4 Js.	"	"	"	36
5 Js.	"	"	"	38
6 Js.	"	"	"	40
7 Js.	"	"	"	42
8 Js.	"	"	"	46
9 Js.	"	"	"	47
10 Js.	"	Trist. Calder	"	50
12 Js.	"	Ralph Quested jr.	"	52
14 Js.	"	Jas. Henman jr.	"	54
15 Js.	"	Wm. Worsley	"	57
17 Js.	"	Ed. Hareward(?)	"	61.5.52

Note: A source such as '22.3.36' comes from PRO Ass. 35/ and '22' shows the call-mark within the class, '3' the file no. and '36' the no. of the document in that file

A source such as '2' comes from KRO QM./SRO./ and shows the call mark within the class.

The Bailiffs (2)

	<u>Eyhorne</u>	<u>Hoo</u>	<u>Milton</u>	<u>Source</u>
22El.	Ric.Saunders	Jo.Cheesman	Jo.Wood	22.3.36
23El.	"	"	"	23.5.4
25El.	"	"	Ric.Knight	25.4.43
26El.	"	"	"	26.4.5
27El.	"	"	"	27.5.4
28El.	"	"	"	28.4.4
29El.	"	"	"	29.4.74
30El.	Gilb.Holliwell	"	"	30.4.49
31El.	"	"	"	31.3.4
32El.	Ric.Saunders	"	Jo.Garrett	32.4.38
33El.	"	"	"	33.4.65
34El.	"	"	"	34.4.4
35El.	"	"	Ed.Butt	35.5.5
36El.	"	"	"	2
38El.	"	"	Thos.Butt	7
39El.	"	"	"	10
40El.	"	"	"	11
41El.	"	"	Ro.Pettendon	17
42El.	"	"	Andr.Butt	20
43El.	"	"	"	23
44El.	Ralph Fowe	"	"	27
45El.	"	"	"	28
2 Js.	"	"	Wm.Bishop	29
3 Js.	"	Wm.Cheesmen	Jo.Hudson	33
4 Js.	Jas.Henman	Wm.Easdown	"	36
5 Js.	"	"	----	38
6 Js.	"	Rob.Tumber	Ric.Knight	40
7 Js.	"	Wm.Easdown	"	42
8 Js.	Jas.Henman jr	"	"	46
9 Js.	"	"	Mic.Finch	47
10Js.	"	"	"	50
12Js.	Peter Osmer	"	Thos.Adams	52
14Js.	"	"	"	54
15Js.	"	"	"	57
17Js.	"	Thos.Bennett	"	61.5.52

The Bailiffs (3)

	<u>Scray</u>	<u>7 Hundreds</u>	<u>Shepway</u>	<u>Source</u>
22El.	John Ware	Ralph Quested	Th.Walter	22.3.36
23El.	Walt.Spice	"	Sams.Cloke	23.5.4
25El.	Th.Walter	"	John Sharp	25.4.43
26El.	Gil.Holliwell	"	Hen.Collard	26.4.5
27El.	Walt.Spice	"	Hen.Terrey	27.5.4
28El.	"	"	"	28.4.4
29El.	"	Hamon Cloke	Jo.Holman	29.4.74
30El.	Th.Walter	"	"	30.4.49
31El.	"	"	"	31.3.4
32El.	Ed.Otterden	"	"	32.4.38
33El.	"	"	"	33.4.65
34El.	"	"	"	34.4.4
35El.	"	"	"	35.5.5
36El.	"	"	"	2
38El.	Stev.Jeykin	Geo.Trusse	"	7
39El.	"	"	"	10
40El.	"	"	"	11
41El.	"	Jas.Henman	"	17
42El.	"	"	"	20
43El.	"	"	"	23
44El.	"	"	"	27
45El.	"	"	"	28
2 Js.	"	"	"	29
3 Js.	"	Thos.Shaw	"	33
4 Js.	Henry Page	"	Th.Robbins	36
5 Js.	Ric.Lorriman	"	"	38
6 Js.	"	"	"	40
7 Js.	"	"	"	42
8 Js.	"	Jas.Henman	"	46
9 Js.	"	"	"	47
10Js.	"	"	Jo.Pollard	50
12Js.	"	"	Ed.Darknell	52
14Js.	"	"	"	54
15Js.	"	"	"	57
17Js.	"	Ric.Weller	"	61.5.52

The Bailiffs (4)

	<u>Stowting</u>	<u>Sutton @ Hone</u>	<u>Twyford</u>	<u>Source</u>
22El.	Hen.Collerd	John Bowle	Reg.Mantle	22.3.36
23El.	Th.Arthurs	"	"	23.5.4
25El.	"	"	"	25.4.43
26El.	"	"	"	26.4.5
27El.	"	"	"	27.5.4
28El.	"	"	"	28.4.4
29El.	Jo.Oldfield	"	"	29.4.74
30El.	"	"	"	30.4.49
31El.	"	"	"	31.3.4
32El.	"	"	"	32.4.38
33El.	"	"	Ro.Shoesmith	33.4.65
34El.	"	"	"	34.4.4
35El.	"	"	Wm.Petley	35.5.5
36El.	"	"	"	2
38El.	"	"	Dan.Brooker	7
39El.	"	"	Jo.Chowning	10
40El.	"	"	Dan.Brooker	11
41El.	"	"	Ro.Lambert	17
42El.	"	"	"	20
43El.	"	Jo.Martin	Jo.Chowning	23
44El.	"	"	Ro.Lambert	27
45El.	"	"	"	28
2 Js.	"	Ph.Thomson	"	29
3 Js.	"	Wm.Walker	"	33
4 Js.	"	Jo.Powsley	"	36
5 Js.	"	Wm.Bredham	"	38
6 Js.	"	----	Wm.Easdown	40
7 Js.	"	Jo.Cloke	Ro.Lambert	42
8 Js.	"	"	----	46
9 Js.	"	"	Ro.Lambert	47
10Js.	"	"	"	50
12Js.	"	"	"	52
14Js.	"	"	"	54
15Js.	"	"	"	57
17Js.	"	Rob.Wolfe*	Jas.Henman	16.5.52

*jointly with Thomas Percey.

CHAPTER 6

The Financial Responsibilities of
the Shrievalty

As we shall see in a later chapter, the sheriff's sphere of activity was not a precisely defined one, and he could be called upon to perform a wide range of duties. One role he seems to have escaped however, was that of collector of parliamentary taxes; but ^{non-}~~un~~parliamentary revenues were another matter. It is well known that during the period from 1629 to 1640 the main responsibility for the collection of ship money fell on the sheriff's shoulders.¹ But before this time it is clear that the success or failure of James' attempts to improve his financial position was dependent to a great extent on the efforts of the sheriff and the justices. The privy council sent out a letter to them throughout the country in July 1614.² It rehearsed the fact that no supply had been granted by the lately dissolved parliament, and claimed that a number of lords and gentlemen had given money and plate to help the king over his difficulties. It then authorised the sheriff and justices to make arrangements for the further collection of aid which it hoped would be forthcoming when the country had been informed of the position. The council was at great pains

1. M.D.Gordon, 'The Collection of Ship Money...' TRHS, 3rd ser., iv (1910), 141-62.

2. APC 1613-14, pp. 491-96; BM Add. 29975, fo. 27a.

to emphasise that any money donated would be used only to meet the king's existing debts. Sir Thomas Roberts, shériff in 1621-22, was charged with similar duties. At the end of March 1622, the sheriff and justices were asked to grant supplies. James had decided to help his son-in-law Frederick to recover the Palatinate by the sword and was calling on his subjects for voluntary contributions, according to the practice of his predecessors. Lists should be compiled containing the names of those willing and unwilling to pay.¹

The more obvious financial activity of the sheriff however, is not to be found in the realm of taxation. Traditionally, one of the sheriff's main responsibilities was to answer for the king's revenues within his bailliwick, and yet we have already seen that his role as ballivus comitatus had been undermined to a great extent by this period. Nonetheless, he was still charged annually with sums of money which had to be accounted for at the exchequer. The pipe rolls have provided the main basis for this chapter, twelve sample accounts being selected for detailed analysis, three from the beginning and three from the end of the period, and six covering the middle years from 1600 to 1606.² The rolls, otherwise known as great rolls, are documents of the lord treasurer's remembrancer department of the exchequer,

1. APC 1621-23, pp. 176-78.

2. PRO E 372/426-28, 446-51, 468-70.

and they record the final and audited accounts of the sheriffs of England and Wales. Because they are composite records of everything which may have been decided by the court concerning money owing from, or allowances to be made to, sheriffs during their term of office, there are references on them to other documents of the exchequer where further details of those matters may be found. Of these documents, the memoranda rolls are by far the most important for our purposes, although others have been used in an attempt to get a fuller picture of the sheriff's work. In particular, accounts for the farm of the county - ancient fixed revenues paid in return for certain of the king's lands there - had to be consulted, for a precise notion of the customary revenues for which the sheriff became responsible cannot be gained from the pipe rolls themselves: the details of the main body of the farm of the county (corpus comitatus) had long since been omitted from the great roll in favour of one which was given over specifically to recording the amounts owed from the farms.¹

By using all these various kinds of exchequer records in conjunction with one another, it is possible to see exactly how much money the sheriff was being

1. PRO E 370/; T.Madox, The History of the Exchequer (1711), p.655.

formally asked to find, where he was expected to find it, and how much he actually succeeded in bringing into the crown's coffers from the county. We can also discover the principal causes for the failure of the sheriff's contribution to meet expectation. Beyond this however, these records of the central government go some way toward compensating for the lack of local material concerning the functioning of the shrievalty. We shall see that certain aspects of the officer's work involved some financial outlay on his part. The problem of compensating him for this was not a new one, but some thirty years before this period starts a statute had been passed to simplify the process by which the sheriff could make his claims.¹ All he need do now was to include his requests in a petition, and swear an oath that the expenses had actually been incurred. Because these petitions are recorded in the exchequer, we are in a position to observe at least part of the sheriff's work in the county which might otherwise remain hidden to us.

The format of the pipe roll is described in Appendix B; but it must be noted at this point that within the enrolled account there is a block of closely-written script which gathers together all the amounts with which the sheriff is charged into a number of greater totals

1. 2 & 3 Ed.VI,c.4 (SR,iii.42-43).

(summae). This is what we may call the summarised account, and it is divided into two sub-sections. The first of these is a re-statement of the farm of the county, while the second lists all the other amounts grouped under various headings, and the sheriff's answers for each item.

It is generally believed that the sheriff did not at this time collect significant sums of money for the crown, and as far as the ancient revenues of the county of Kent are concerned, this verdict is a sound one. A glance at the pipe rolls at each end of the period shows that the sums involved were small and fixed. Thomas Sandes in 1580, and Thomas Hamond more than forty years later, each had to account for a total of only £166 8 11¹/₂.¹ This figure remains constant in the other ten accounts covered in the sample. The customary revenues which sheriffs were expected to raise fall into three categories: the farm of the county itself, the increment upon the farm, and the profits of the county.² In addition, they might be asked to raise certain small, or 'minute' rents. The farm was the revenue customarily paid by the sheriff to the crown in return for his holding the king's manors and lands in the county, part or all of which lands may in fact have been granted away

1. PRO E 372/426,470.

2. T.Madox, op.cit., pp.225,649 seqq.; W.A.Morris, 'The Sheriff' in The English Govt. at Work (Camb.,Mass.,1947) pp.74-5.

over the centuries. Indeed, after 1284 this item became designated 'the remainder of the farm' (remanens firmae post terras datas). The increment represented an improvement on the sums comprising the original farm, and the profits were the issues from action in the sheriff's courts.

By consulting the accounts for the farm of the county, we see that Kent's ancient revenues at this time consisted of the increment, profits, minute farms, and certain other small farms in the county. By 1580 the sheriff had long since been freed from the task of answering for the original farm, which had amounted to £211 15 11. Taking the account of Thomas Kemp, who was sheriff in 1597-98, we see that the sum which the sheriff was now asked to levy is made up of items which may be classified under four basic heads.¹ A considerable proportion of the whole is owed by hundreds and towns in the county paying in their farms on the lands they held of the king to the sheriff, the king's local revenue officer. For example, Littlebourn in the lathe of St Augustine pays eight shillings, and the hundred of Stowting, in the lathe of Shepway, pays one pound. The figures for the hundreds are of course composed of smaller sums arising from individual areas within the

1. PRO E 370/13/184, account for the farm of the county.

hundred. Thus the hundred of Kinghamford, in the lathe of St Augustine, owed eight shillings, ninepence of which came from a parcel of lands in the hands of the House of Swynford, part of the priory of St John of Jerusalem. Secondly, a number of payments are due for the farms of manors; they are commonly small amounts, for example, two shillings each for the manors of Orlaston and Street. A third category is a reflection of the judicial position the sheriff had once held throughout the country: it is made up of a number of payments which seem to represent the commutation of 'suit' service. 'Suit' has been defined as the service a feoffee was bound to do in his lord's court; but as far as the king's subjects were concerned, every man above the age of twelve was bound in theory to attend the sheriff's tourn twice a year to do service, for the tourn was the king's leet.¹ This was termed 'royal suit' (secta regalis). There are many of these payments on the account, some owing from manors, for example three shillings and fourpence for suit of the manor of Selling, and some from hundreds, like that of Folkstone, which was charged with six shillings and eightpence. The fourth main category consists of sums of money levied by the sheriff as punishment on those who transgressed the law. A payment of eight shillings

1. Dalton, p.45; Jacob, Law Dictionary (1772), sub 'suit'.

is due from the profits of three acres of land because they had changed hands without the king's licence. Another two shillings was levied from the property of a man who had been convicted of a felony; and an item of sixpence represented the value of a cottage, held by a certain John Ballard: he had been outlawed, and thus had theoretically forfeited his property.

These are the revenues which make up the sum of £166 8 11 $\frac{1}{4}$ which we have seen to be a fixed charge on the sheriffs throughout the period: they arose in the distant past, and were now gathered out of tradition and custom. £160, or 240 marks as it is entered on the roll, came from the increment, profits and minute farms, the remaining £6 8 11 $\frac{1}{4}$ from what are called 'other farms'. For a number of reasons however, only about a third of this total was ever levied and paid into the exchequer. Once again, this figure remains constant throughout the accounts at £56 7 4 $\frac{1}{2}$.¹ Slightly less than half of this, £26 13 4, was paid in at Easter: it does not figure in the reckoning of the second part of the summarised account where the balance of £29 14 0 $\frac{1}{2}$ (sic) was dealt with, along with the other charges for which the sheriff had to answer.² The reasons for Kemp's failure to levy two thirds of his charge are clearly set out in the document: he made declarations on oath as to what he had, and had not, been able to collect so that due allowance

1. PRO E 372/426,470 etc., part 1 of the summarised account.

2. See Appendix B.

could be made in his account. This manner of accounting has been referred to above and had been established by two statutes of 1545 and 1549.¹ The avowed intention of these acts was to save the sheriff from unnecessary financial obligations, or rather ones he could no longer be expected to meet, either because some revenues had not been collected for a long time, or because the redistribution of land had interfered with an otherwise viable system of levying farms. The dissolution of the monasteries, and its aftermath, were factors which had recently emphasised the problem, and they play their part in Kemp's account.

Of the £160 due from the increment, profits and so on, he had been able to levy £54 10 6². A further £8 12 2¹ could not be collected because some of the lands bearing the charge had been part of the monasteries, taken into the crown's hands at the time of the dissolution, and subsequently granted away. So the ninepence which we have seen to be owing from the Priory of St John of Jerusalem for example, does not come into the sheriff's hands. Apart from this however, some revenues had to be surrendered because the lands on which they were due were outside the sheriff's jurisdiction: a number of Kemp's claims rest on the fact that lands owing money fell within the limits of the Cinque Ports. Otherwise, he said that he had not been able to raise money because

1. 34 Henry VIII, c.16 & 2 & 3 Edward VI, c.4(SR,iii. 914-15,iv.42-3 respectively.

lands had changed hands: they were no longer the crown's, and for this reason no rents could be levied of them.

Thomas Cromwell, Earl of Essex, had been one of the beneficiaries of these land transfers in Kent. The remaining £96 17 2½ could not be collected Kemp said 'because he does not know where that sum, or any part of it, is to be levied, as he says upon his oath'. Turning to the other £6 8 11½ making up his total charge, he had been able to gather only £1 16 10, the balance being unobtainable for the same sorts of reasons already set out. Thus the state of Kemp's account for the farm of the county of Kent in 1597-98 may be summarised in the following way:

	<u>Levied</u>	<u>Not Levied</u>	<u>Total</u>
<u>Increment etc:</u>	54 10 6½	8 12 2½ } 96 17 2½	160 0 0
<u>Other Farms:</u>	<u>1 16 10</u>	<u>4 12 1½</u>	<u>6 8 11½</u>
<u>Totals:</u>	<u>56 7 4½</u>	<u>110 1 7</u>	<u>166 8 11½</u>

Clearly, Kemp's charge, and the levies he actually made, represented relatively insignificant sums of money, but we know that these amounts remain constant throughout the forty-five years under survey. If we now examine two further accounts for the farm of the county, one for Thomas Fane (1580), and one for Thomas Roberts (1621-22), we see that they are identical with Kemp's in every detail.¹ In other words, a sheriff at the beginning of the period

1. PRO E 370/12/144, /14/145 respectively (nearest accounts available to beginning and end of period).

paid in, and failed to pay in, exactly the same sums of money from exactly the same sources as did his colleagues some twenty and forty years after him. They all made the same declaration on oath about what they could not levy and why they could not levy it. There could be no more striking illustration of the fact that this part of the sheriff's account no longer represented a vital and fluctuating area of the county revenues.

It remains true nevertheless, that this small sum was only a minor part of the sheriff's total indebtedness to the crown: it was a mere fraction of the grand total of his debts. This last figure is not recorded as such on the pipe roll, because in the course of the summarised account he is usually excused from paying in certain items from the individual summae before his debts from all sources have been set down. It may be calculated easily however, by consulting the second block of the summarised account and adding together all the sums of money he is said to owe before any deductions are made from them. The following figures represent this calculation for the twelve sample accounts taken for the period. They do not include the sum of £26 13 4 for the farm of the county which has already been dealt with in the first block, and is consequently dismissed from the reckoning. On the other hand, they do include the balance of £29 14 0½, the halfpenny disappearing for

some reason in George Fane's account, and failing to re-appear in the subsequent two.¹

Table 1: Total Charges

<u>1580-83</u>				<u>1600-06</u>			
1580-81:	2012	11	9½	1600-01:	4090	13	2½
'81-82:	2492	4	1	'01-02:	2353	13	6½
'82-83:	3099	14	0½	'02-03:	3421	4	2½
				'03-04:	3732	9	4½
				'04-05:	4278	2	6½
				'05-06:	3393	10	5½

<u>1622-25</u>			
1622-23:	5412	13	11½
'23-24:	4039	17	6
'24-25:	1655	7	11½

Taking John Smith's account as a working example, we may examine at close range the sources which make up these totals in the summarised account.² The first group of revenues comes from the farms of manors, lands and so on (distinct from the sheriff's farm) in the hands of individuals: they represent fixed annual payments made in return for royal grants. The sheriff is not charged with all the farms in the county (which had been set out earlier in the roll), but only with those which had not been accounted for in the meantime. Thus the annual sum of £12, accounted for by the citizens of Rochester

1. PRO E 372/468.

2. Sheriff 1600-01, PRO E 372/446,448.

themselves for the fee farm of their city, does not figure in the summarised account. The next summa to be given in Smith's roll is one of £2253 19 7½, which is the total of debts outstanding on last year's roll when it was made up, and which may have been raised by Smith as the in-coming sheriff during his year of office. Many of the debts of this kind which appear throughout Smith's own roll (and with which his successor will be charged in the next account) represent unpaid subsidy assessments, a large proportion of which are owed by men designated as 'gentleman'. Some idea of the chronic problem of parliamentary tax collection which the crown faced emerges from the fact that entries such as these appear on all twelve of the sample rolls consulted. Star Chamber fines are also common, as are entry fines on lands held in chief.¹ Further entries concern money owed from other crown officers: on Smith's roll for example, money is due from a scout in one of the queen's ports, and from Henry Lord Cobham in his capacity as Constable of the Cinque Ports and of Dover Castle.

The next sum in this part of the account is the amount which the sheriff owes from his collection of the issues and fines of the courts, which are termed 'green wax issues'.² The figures are drawn from the rolls of the courts concerned, and they represent

1. PRO E 372/426,447,450,470.

2. See Appendix B.

penalties imposed on residents of the county during specified law terms in the courts of King's Bench, Common Pleas, Exchequer, the assizes and the quarter sessions. In addition, some of the sample pipe rolls contain details of fines imposed before the clerk of the market.¹ The amount which the sheriff is required to levy however, does not represent the total of all the fines imposed in any of the courts, for the liberty holders in the county must answer for their share of that total since a number of the fines which make it up will be payable by parties known to be resident within their liberties, and therefore beyond the jurisdiction of the sheriff's men. John Smith's green wax charge of £334 8 1¹/₂ consisted in part of £141 13 4 to be raised from fines in the court of Common Pleas, but this was only about a half of the sum total of fines imposed in that court (£283 3 5), and the balance was answered for by eleven liberties, including those of the Archbishop of Canterbury, the Barons of the Cinque Ports, and George Carey, Lord Hunsden. The story is the same for each of the courts, and throughout the period it remains true that the sheriff is not the sole authority accountable for the fines which the central and local courts had seen fit to impose.

We have thus considered three of the main categories of payments which the sheriff is asked to make: the

1. PRO E 372/426-28, 450, 468-70.

individual farms, set out under the relevant names, and the summae for his further debts and his green wax charge. These are followed by a sum total for the three. No total for the farms is given on the roll, but it may be derived by subtracting the two stated summae from the summa totalis. The financial responsibilities of the twelve sheriffs at this stage of their accounts may be seen in the following table (Table 2):

	<u>Table 2</u>			<u>Further debts</u>		
	<u>Farms</u>					
1580-81:	573	16	4 $\frac{1}{2}$	420	11	8
'81-82:	770	14	7 $\frac{1}{2}$	427	10	7
'82-83:	255	7	7 $\frac{1}{2}$	1461	10	6 $\frac{1}{2}$
1600-01:	87	4	11 $\frac{1}{2}$	2253	19	7 $\frac{1}{2}$
'01-02:	79	17	11 $\frac{1}{2}$	435	10	11
'02-03:	525	5	5 $\frac{1}{2}$	734	11	7
'03-04:	380	8	0 $\frac{1}{2}$	1013	5	3
'04-05:	442	5	11 $\frac{1}{2}$	1732	7	10
'05-06:	102	19	3 $\frac{1}{2}$	1212	16	6
1622-23:	3330	14	1 $\frac{1}{2}$	598	19	6 $\frac{1}{2}$
'23-24:	868	10	11 $\frac{1}{2}$	2185	10	3
'24-25:	282	2	8 $\frac{1}{2}$	177	19	1

Table 2 (contd)

	<u>Green Wax</u>	<u>E 372/</u>
1580-81:	316 15 8	426
'81-82:	392 14 10	427
'82-83:	274 1 9	428
1800-01:	334 8 1 $\frac{1}{2}$	446
'01-02:	278 10 11	447
'02-03:	398 4 10	448
'03-04:	437 1 4	449
'04-05:	481 6 6	450
'05-06:	328 14 3	451
1622-23:	492 3 6	468
'23-24:	374 0 6	469
'24-25:	515 10 6	470

Beyond these amounts the sheriff was made accountable for money arising from lands which he, and his predecessors, had taken into the crown's hands in order to recoup sums of money which were owed and unpaid by individuals. A more detailed account of this part of the sheriff's work will be given below during the discussion of the means by which the sheriff quit himself. The first sum which appears here in the summarised account represents the money due from lands which former sheriffs had seized, the second being the amount accruing from the process executed by the currently accounting sheriff. For Smith, the figures are £1356 2 9 and £29 3 8 $\frac{1}{2}$ respectively, adding £1385 6 5 $\frac{1}{2}$ to what he already owed, and being

included in the figure for his overall charge which appears in Table 1. Clearly, a high proportion of his total charge came from the issues of seizures, and the following figures for the sample accounts show that this was not exceptional.

Table 3 : Sheriffs' seizures

<u>1580-83</u>	<u>1600-06</u>
1580-81: 671 14 0½	1600-01: 1385 6 5½
81-82: 871 9 11½	01-02: 1529 19 8½
82-83: 1078 16 9½	02-03: 1733 8 3½
	03-04: 1872 0 8½
	04-05: 1576 8 2
	05-06: 1719 6 4
<u>1622-25</u>	
1622-23: 961 2 9½	
23-24: 582 1 9½	
24-25: 649 19 2	

Thus John Smith has been asked to answer for a sum of money arising from a number of different sources, and the rest of the second block of the summarised account is a record of his attempts to reduce this financial obligation, and indeed to reach a state of affairs where it no longer exists. In view of the discrepancy between the formal charge for the farm of the county and the amount actually paid in, it is necessary to examine the way a sheriff quit himself of his overall charge in some detail in order to reach a precise idea as to his true financial

significance for the crown. Broadly speaking there were three ways in which he might clear his debt: he might simply pay the money into the exchequer; he could claim that he should not pay it, that it was not his business to do so; or he might declare that he had not been able to levy it despite his efforts to do so. The sample accounts show that the sheriffs of Kent during this period relied on a combination of all three factors. By and large, the amounts of money actually paid into the exchequer do not represent major proportions of the total charges, though they are not insignificant: as with the farm of the county, large parts of the total debts never came into the sheriff's hands. John Smith paid in six individual sums which amounted to £234 5 6, less than 6% of the total charge we established for him in Table 1, and the remaining eleven sheriffs brought in sums ranging between £146 7 4 and £497 8 8. The pipe roll fails on many occasions to specify the source of these payments; the entry is terse, and merely records the fact that on a certain date so much money was paid 'in thesauro'. Sometimes it is followed by a sentence which does reveal the origin of the payment, and it is clear enough from such entries that this money which the sheriffs actually transferred to the exchequer could be drawn

from most of the categories we have been discussing: from the farms and debts owed by individuals,¹ from the green wax totals,² and from the issues of lands seized by sheriffs.³

It follows from this that the sheriff was exonerated from the bulk of his total charge on the basis of the two other factors, namely that he was able to show that he should not, and could not, be held responsible for it. In the first place, it is easy to see that a good deal of his burden could be passed on to others, if only for the reason that it had never really been the sheriff's, and his alone, at the outset. He was only collectively responsible for many of the farms and debts recorded on the roll under individuals' names, 'each individual charged being severally ... indebted in his own name'.⁴ Charging the sheriff with these amounts in the first place seems to have been something of a book-keeping device: it allowed the money to be deducted from his 'debt' if he should bring any to the exchequer on behalf of the individual farmers and debtors. In a sense therefore the total charges which we have calculated to be owing from the sheriffs are artificially high, for they take in substantial amounts of money which would not normally

1. PRO E 372/427,469.

2. PRO E 372/449,450,470.

3. PRO E 372/447-50,468,469.

4. 'Introduction to the Pipe Rolls', Pipe Roll Society, iii(1884), p.47.

be paid by the sheriffs themselves. A sheriff might bring in money on someone's behalf; for example, John Hayward paid in a total of £28 10 0 from a number of farms owed by certain people,¹ but otherwise, all the sheriff had to show was that a number of particular sums which appeared in his charge were owed in the name of others, and that they answered for their debts elsewhere, sometimes in the same roll, but at other times in the next roll, or one further on. One of the amounts making up £2253 19 7½ with which Smith was charged for the preceding year's debts was £7 7 5 owing from the mayor and jurats of Gravesend and Milton, and it was the object of one of his earliest pleas for exoneration. The fact that it appeared in the preceding roll is recorded, and he asked that it should be deducted from his charge because, at a later point in his roll, the mayor and his colleagues answered for it themselves in the process of passing their own account through the court. Another example, this time of a major deduction which Smith was able to secure, illustrates very clearly how deceptively large a sheriff's totalled charge can be. After most of the charges have been set out in his summarised account, there follows a whole series of exonérations from debts owed by various parties 'according to last year's roll' who themselves answer for these debts in the next roll but one of the

1. PRO E 372/469.

reign.¹ One of the largest of these sums was £819 18 2 $\frac{1}{2}$. It was entered under the name of Thomas Kemp, who had served as sheriff in 1597-98, and who still owed this amount from the proceeds of his year in office. It was struck off Smith's account because Kemp finally cleared himself and was quit on the later roll already cited. But part of the process of his exoneration rested on the fact that individual debts which made up the sum, and for which he was collectively responsible, were answered for by the people concerned. Smith had therefore, on the face of it, been held accountable for more than £800 which in fact had been part of one of his predecessors' charge, and had not even been entirely his responsibility. A number of people in Kent owed money to the crown, but their debts were recorded, and charged, at least three times: in their own names, under sheriff Kemp's name, and then under sheriff Smith's.

The sheriff could also claim that he should not pay some proportion of his charge because he had used it to defray the cost of performing certain duties which were incumbent upon him by virtue of his office. The first of these claims on Smith's account appears among the long list of deductions we have just been discussing, and it is one which may be found in the accounts throughout the

1. PRO E 372/448.

period. It amounts to £40, and consists of two payments of £20 made annually by the sheriff to individuals from the issues and profits of the county. These are in effect annuities which had been granted by the crown, the first to Henry Gray, Earl of Kent, and the second to Robert Ratcliffe, Earl of Sussex by letters patent of 29 May 1465 and 8 December 1530 respectively. A second item to make what is almost a regular year to year appearance - there is no trace of it in Sandes' or Richard Baker's accounts¹ - is a claim for the wages paid to those justices of the peace who had attended the quarter sessions within the county over the year. £23 16 0 was deducted from Smith's charge to cover this disbursement on his part, and the amounts allowed to the other nine sheriffs range between £11 4 0 and £40 12 0.² These allowances appear to have been made on the basis of the sheriff's presenting a copy of an indenture which had been drawn up between him and those justices he had paid at the rate of four shillings a day, and which stated that he had in fact handed over the money: there is at least one of these documents among the exchequer records - particulars of accounts - and it records Isaac Sedley's claims for £24 12 0 for the wages of 23 justices for 123 days' service.³

1. PRO E 372/426,429; 428,430-32.

2. PRO E 372/427(Harte); /468(Fane).

3. PRO E 101/567/16, Isaac Sedley was sheriff 1625-26.

For these two expenses, the annuities and the wages, George Fane, sheriff in 1622-23, claimed as much as £80, but he made further petitions for allowance before the Barons of the Exchequer because of other financial outlay during his term of office. He was one of seven of the twelve sheriffs being studied here who are known to have secured additional reductions on their total charge to meet the expenses of office. The fact that such allowances have been made is of course recorded on each pipe roll concerned, but for further details of the claim, the praecepta section of the relevant memoranda roll has to be consulted. Some claims arose from the sheriff's attendance upon special commissioners acting within Kent. John Smith was allowed £5 on his account because of the expenses of meetings at Maidstone and Rochester of commissioners of enquiry into recusants' goods and lands: £3 for the commissioners themselves, including Sir John Leveson, and £2 for the men serving as jurors before them.¹ But a good deal of the work which necessitated such expenditure centred on the sheriff's position as the county's custodian of prisoners, and its executioner. Once more, George Fane managed to gain a substantial deduction, a total of £44 all in all, for transporting

1. PRO E 368/505; see E 372/456 for T. Baker's allowance of £9 10 0 for a similar allowance, and E 368/425 for T. Sandes' of £10 for the expenses of a comm. headed by Sir Roger Manwood to enquire into leviable debts.

prisoners from Maidstone to Newgate, and from Southwark and Horsham to Maidstone.¹ Claims for similar journeys were submitted by four other sheriffs, Moyle Finch for example bringing a number of men down to Maidstone for their execution, including one convicted as a cutpurse.²

It was not surprising of course that such claims should be granted. The movement of prisoners, which was part of the execution of justice in the king's courts, could be an expensive affair. At least two men seem to have been needed to guard a prisoner on his journey, and they had to be hired by the day, as did the horses on which they and their charge were carried. The provision of 'horse and man meat' during the assignment was also the sheriff's responsibility. This is not to say that the Barons failed to cast a discriminating eye over these claims, for the evidence suggests that they were investigated with some care. In each case the five sheriffs who craved allowance for this work got less than they asked, and in fact the difference could be considerable. Thomas Baker wanted £8, but Julius Caesar gave him £3. Even George Fane's large £44 concession fell £11 below what he wanted.

It is clear, even on the basis of this relatively small body of evidence, that the sheriffs of Kent were performing valuable administrative functions of an

1. PRO E 368/590.

2. PRO E 368/521(Baker);/525(Finch);/594(Hayward);/598(Hamond).

essential, if unspectacular nature. The execution of the king's law in some instances depended on the action of the sheriff, who paid for it by spending some of the king's money he had managed to collect. The deductions from the total charges may be seen therefore as a form of expenditure by the crown toward the maintenance of peace in the realm. In this case they should not be regarded as a loss of revenue in absolute terms.

The same cannot be said of another sort of deduction which might be made from the accounts. Details of this may also be found in the praecepta section of the memoranda roll, and it too concerns the sheriff's role in the execution of justice in the county. We know that at least six of the twelve sheriffs we are considering craved allowances on their green wax totals because the crown had, by means of a general pardon, waived all claim to a number of fines and issues in the courts.¹ The general pardon was issued by the crown-in-parliament, and in it the monarch expressed the wish that the gracious remission of a number of fines would induce an inclination to be more law-abiding in future.² The pardon was general, not to all fines, but to those which amounted to no more than a specified sum, usually £5 or £6. Nevertheless, these small fines could constitute a

1. PRO E 368/425,429,433,505,525.

2. E.g. SR,iv.698-702,758-62,793-97,etc.

considerable proportion of the total charged to the sheriff. In Smith's case, it is true that it only amounted to £36 13 4 out of £334 8 1¹/₄, but at the beginning of the period the vast majority of Thomas Sandes' green wax charge had disappeared in this way (£298 5 9 out of £316 15 8), while some 2/3 of Hayward's was lost in the same way (£244 9 8 out of £374 0 6). Again a few years after Smith's term of office Moyle Finch was exonerated of more than 3/4 of his total (£259 1 8 out of £328 14 3) by 'warrant of one of the Barons', and because of the general pardon:

'... for that James Gibson, late undersheriffe to Sir Moyle Finch, late sheriffe of the county of Kent, hath made oath that the severall somes of money in these eight cedules contened, nor any parte of any of them, have been levied by him or any other to his knoledge, or accounted for to him. Therefore, lett there be allowance thereof to the said sheriffe ...' 1

Exonerations were made on the basis of a general pardon in at least six of the accounts we are studying, and another five show that sizeable deductions were made 'by warrant of one of the Barons'. The general pardon may well have prompted the issue of such warrants, as it had done in Finch's case.

Further claims in this section of the memoranda rolls depend on the assertion that certain fines should not have been imposed in the first place. The sheriff in consequence had not levied them, and asked that the

amounts be expunged from his charge. Smith himself was relieved of a fine imposed on a Richard Baker, a constable who had failed to attend the quarter sessions. The reason for his absence was explained in a statement by a City of London fishmonger, who said that Baker, apart from serving as a constable in Kent, was also responsible for carrying

'... her majestie's fishe at all howers night and day when need required from (MS gap) to London, for whiche service he was and ys constrayned to keepe five and twentye horses, or thereabouts, by reason whereof he could not appeare ... before her majestie's justices there without greate prejudice to her majestie's service.'

1

Much later on in the period, a similar sort of claim meant that George Fane no longer had to account for money arising from the issues of the lands of a former sheriff, Thomas Roberts, which had been seized because that sheriff had failed to produce certain parties before the Exchequer of Pleas. One of the people concerned was Phineas Pett, the shipwright, who swore that he was employed in the King's service at the time.²

But by far the largest amounts the sheriffs claimed in exoneration were from the issues of seizures they and their predecessors had executed. The nature of

1. PRO E 368/505.

2. PRO E 368/590; also a fine here for non-attendance at assizes being waived because of sickness; see E 368/525 for a church-warden not appearing at quarter sessions to declare recusants, because he was ignorant of the recent act requiring him to do so. His plea of ignorance of the law was accepted.

these seizures may be examined in the Sheriffs' Accounts of Seizures, which are enrollments of particulars of the items making up the total amounts for which they were charged in the summarised accounts in the pipe rolls. This material is duplicated to some extent in the status et visus sections of the memoranda rolls, which are themselves referred to on the pipe rolls, and which record the process of exoneration of these charges. Consultation of these documents confirms the view put forward earlier that the overall initial charges give very little true idea as to the sheriff's actual indebtedness to the crown, so that any evaluation of his financial significance must be based on other considerations. John Smith's initial charge for seizures was £1385 6 5¹/₂, but as a result of the process of petitioning for allowance, he was exonerated of £1246 11 4 of this sum, leaving him to account for £138 15 1¹/₂, a mere 10% or so of the original amount. On the basis of the twelve sample accounts selected for study, it is possible to suggest that it was by no means an exceptional phenomenon for a sheriff to be relieved of the greater share of this part of his overall charge. It is true that the level of exoneration is not invariably as high as this - in the case of Thomas Scott and James Cromer it is only about 50% - but the following figures indicate that the practice of allowing very substantial deductions from this charge was common

throughout the period 1580-1625:

Table 4 : Seizures and exonerations

	<u>E 368/</u>	<u>Charge</u>	<u>Exoneration</u>
1580-81:	427	671 14 0½	608 11 6½
'81-82:	432	871 9 11¾	824 7 0¾
'82-83:	435	1078 16 10	1050 8 6¾
1600-01:	514	1385 6 5¾	1246 11 4
'01-02:	516	1529 19 8¾	854 5 5¾
'02-03:	517	1733 7 3¾	1702 19 11½
'03-04:	525	1872 0 6½	1065 7 2¾
'04-05:	526	1576 8 2	1544 0 11
'05-06:	527	1724 6 5	1515 1 9¾
1622-23:	593	955 17 0¾	905 4 3½
'23-24:	-	582 1 9¾ from Pipe Roll - Mem.Roll blank	
'24-25:	602	648 17 9	602 2 5

Many of the claims for exoneration from particular items rested once again on the fact that other men answered for them. All the seizures had been made in the first place to secure the payment of debts outstanding to the crown; but it becomes clear that once the lands concerned had been 'taken into the crown's hands' by this process of the law for which the sheriff was responsible, there was a variety of ways in which the issues of those lands were levied towards the repayment of the debt in due course over a number of years. The seizure as such,

involving the execution of a writ and the calling of a jury to enquire into the yearly value of the lands, was the necessary mechanism by which the issues must be formally appropriated by the crown. It need not follow from this that the sheriff himself was directly responsible for the transfer of these issues from the county to the treasury. His charge for the issues of his own and his predecessors' seizures is, in this sense, merely a formal statement of his collective responsibility for a number of debts, rather like that which we have already seen in the earlier part of the enrolled account on the pipe rolls.

One of the largest items on Smith's account consisted of £198 from the issues of various lands held by William Bird, who had been a collector of the queen's petty customs, and who had owed the proceeds of six years in office, amounting to £37,354 8 2 $\frac{1}{2}$. Sir Thomas Scott, sheriff in 1576-77, had made the seizures on Bird's land in Milton, Halstow, and Ivechurch, and presumably each sheriff had subsequently been held responsible for the same amount: certainly Sandes, Harte and Richard Baker were, as indeed were Smith's five successors, though Bird's debt seems to have been accounted for by the early 1620s, for it no longer appears among the schedules of seizures.¹ But as far as we can see, none

1. PRO E 379/67-70.

of these sheriffs ever paid in any of this money themselves: the amount was always deducted from what they owed, because they could show that someone else had answered for it, that is to say, that either the farmer, or the tenants, of parts of Bird's lands bore the burden of accounting for the issues directly to the exchequer.¹

A further sum which appears among many of the totals owing for seizures is one of £31 from the issues of the manor of Cranbrook, and it illustrates vividly the formal and careful way in which the exchequer documented particular debts owing to the crown, even if there was no longer any reason why the sum should be recorded as outstanding. The manor had been seized to secure payment of a debt of £300 owing to Philip and Mary; but by the time Thomas Sandes accounted he could show that his predecessors had paid off the sum between them, that he owed nothing himself, and that he should in consequence be exonerated of the charge. Nevertheless, the sum of £31 remained among those issues which Smith had to account for some 20 years later, and his four immediate successors had to account for it too.² In this particular case, it is difficult to see why the sum was included in the accounts for so long after the debt which had occasioned the seizure had

1. PRO E 368/432, 435, 514, 516, etc.

2. PRO E 368/427, 514, 516, 517, 525, 526.

been paid off. But whatever the explanation, its frequent appearance emphasises that the sheriff's charge was, numerically at least, an artificial one.

The two cases we have so far examined have given some indication of the sheriff's role in recovering for the crown considerable sums of money which individuals had as yet failed to pay. A similar item of £60 is included in Smith's charge, arising from the manor of Penshurst seized by Sir James Hales some ten years before. The manor had been in the hands of Sir Henry Sidney, the queen's deputy in Ireland, and the seizure was designed to guarantee his payment of £7000, presumably from the proceeds of his office there, to Thomas Gresham who had been appointed Elizabeth's agent for negotiations in Flanders.¹ Thomas Scott's account reveals a seizure on Customer Thomas Smith's lands, carried out to secure payment of £4000 out of the profits of his office to Gresham in 1569;² and at the end of the period, Thomas Hamond's has details of the seizures made on the lands of one of the sheriffs, Anthony Aucher, whom we have seen to have been outlawed, with Thomas Hardres, for his failure to meet considerable financial obligations.³

A large proportion of the remaining seizures made

1. PRO E 368/514.

2. PRO E 368/516.

3. PRO E 368/602; see chapter on the sheriffs' wealth.

by sheriffs in this period fall into several broad categories, and many of them were executed in response to the sorts of debts we discussed with reference to the earlier sections of the pipe roll accounts. Collectors of subsidy payments - and the fifteenths and tenths - often had their lands seized because they had failed to bring in the parliamentary taxes quickly enough. It was not common for the sheriffs themselves to respond directly for these issues. The farmers of the lands in question sometimes accounted for what was owed by them,¹ but on other occasions the fact that the collector had since made answer for his revenues was sufficient to secure the sheriff's exoneration.² The sheriff himself was commonly subjected to the same sort of treatment, for he, no less than the subsidy collectors, was responsible for handling crown revenues, and so the machinery could operate equally against him to guarantee that he too gave a full account of himself to the exchequer.

There are a number of instances of seizures being executed against former sheriffs throughout this period because in the process of accounting at the exchequer, they had 'left the court without licence', still owing money to the crown.³ George Harte for example had been

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1. e.g. PRO E 368/517, farmers of the seized lands of Richard Hide answer in the pipe roll.
 2. PRO E 368/427 & 517.
 3. e.g. PRO E 379/67 (accs. of Sandes and Harte), /69 (Finch & Hayward).

required initially to levy money on the lands of four men who had served as sheriff in the county in recent years: Edward Boys, Thomas Wotton, Thomas Fane, and Thomas Sandes. Their attornies had departed from the exchequer with their accounts unsettled; but in each case Harte was excused of having to account for the issues from the consequent seizures because it could be shown that the ex-sheriffs had been quit in certain specified pipe rolls.¹ The way in which these seizures were undertaken suggests that they were seen as almost automatic steps which the crown took as an added safeguard and security for its financial interests. Certainly the timing of the execution of the writs directing the sheriff to seize his predecessor's lands indicates swift action on the government's part. Thomas Fane's lands were seized by his successor, Thomas Sandes, on 20 May 1581, a matter of six months after he had left office, and in due course, Sandes' own lands suffered the same fate at the hands of the next sheriff, George Harte, on 20 April 1582.² A further entry, this time in Moyle Finch's account,³ is a good illustration of the fact that a seizure could proceed irrespective of the state of the sheriff's account. On 2 October 1606, Finch had seized lands belonging to James Cromer, sheriff in 1603-4, because Cromer had left the court still owing.

1. PRO E 368/432.

2. PRO E 379/67, accs. of Sandes and Harte.

3. PRO E 379/69.

£197 18 0. By the time the seizure was apparently made however, Cromer's account had been completed. Finch was no longer in debt for this particular item therefore, and he presumably returned seisin of the lands to Cromer.

Several of these detailed accounts show that seizures were also being used to assure revenues owing from land, sometimes in the form of farms which had not been paid for a number of years. More than a dozen of the seizures which Harte executed were intended to gather payments for property which had not been made by certain specified dates initially agreed to by those receiving the land;¹ and George Fane's and Hayward's accounts illustrate government attempts to guarantee farms which had remained unpaid for some time.² But one of the more striking aspects of the accounts is that the sheriffs were often asked to seize the lands of tenants in chief who appeared to have been guilty of alienating their land without first acquiring a licence from the crown to do so. The seizure was in fact the second step the sheriff had been required to take towards regularising the situation created by such land transfers, for he had first of all served a writ of scire facias on the party involved which required him to appear before the Barons in order to explain why he should not be punished. The form of such action is conveniently summarised in the following entry, taken from Thomas

1. PRO E 379/67; see also /68 for R.Baker.

2. PRO E 379/69; see Finch's account too here.

Sandes' account, which may be fairly described as being typical in essence:

'Thomas Sandes owes £3 6 8 from the issues of the manor of Bonnington in Kent, the lands of Thomas Kemp, knight, who was forewarned to be before the Barons of the Queen's Exchequer at Westminster on the octave of St Hilary last past to show and propound if he had anything to say for his part as to why the manor should not be taken and seized into the Queen's hands by reason of its alienation without licence in a certain indenture of 4 November 1572 which he made with Edward Plowden. He did not come, and therefore, on 16 March 1578 Edward Boys, sheriff, seized it.' 1

This kind of seizure seems to have been very common. It appears on all twelve sample accounts; and in some cases a good proportion of the seizures which a sheriff was asked to make were in fact against alienations. According to his account, Smith made nineteen seizures, and no less than seventeen of them arose from irregular alienations of lands held in capite. Before him, Thomas Sandes made fourteen seizures, seven to secure the payment of sheriffs' accounts, and seven for alienations; and after him, Thomas Hamond confronted the problem in five of his eight seizures.²

It is not always clear why sheriffs were often relieved of having to answer for items of this kind, though it seems to be the case on many occasions that the money was simply no longer due to the crown. For example there are numerous instances of exonerations given on the

1. PRO E 379/67, account of T. Sandes.

2. E.g. PRO E 379/68, 67, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

basis of warrants, or certificates, submitted by the deputies of men who farmed the issues of the alienations from the crown. Presumably, these certificates showed that the items in question fell within the scope of the farmer's grant, and that the crown no longer had a right to them: consequently, they acted as acquittances for the sheriff, and the item was removed from his charge.¹ Other explanations for not paying in issues serve again to illustrate the highly formalised machinery of the exchequer, and that it could in a sense work too swiftly against what looked like an alienation, irrespective of the fact that certain other information made it clear subsequently that it was not. There was, as a result, no offence to act as the basis for the sheriff's action, and no reason to charge him with a debt. For example, Thomas Sandes seized the manor of Otterpoole held by Thomas Smith because of Smith's failure to come to the exchequer on a given day to explain why the manor should not be seized because of its alienation without licence. In the event however, the action proved unnecessary because it was shown that Elizabeth had, by letters patent of 1 September 1579, given Sir James Hales the right to grant

'... the aforesaid manor with its appurtenances, by name the manor of Otterpoole, to the said Thomas Smith to have to him and his heirs...' 2

1. E.g. PRO E 368/427, 432, 514, 526.

2. PRO E 368/427.

Again, in sheriff Smith's account, we find that an exoneration was made because it emerged that the land which had been seized was not in fact held in chief or by military service. Strictly speaking there was no alienation, and the seizure was presumably void as a result.¹

At the end of the period, George Fane was exonerated of a total of £303 6 10½ from the issues of seizures for suspected alienations, some of which had been executed by his predecessors as far back as George Harte, forty years before. The amounts of money due in each case were small, mostly not more than £6, and the basis of Fane's appeal was the latest free and general pardon, granted in parliament on 19 February 1624. We have seen how this applied to the smaller fines and amerciaments which had been imposed in the various courts, and how it often had a material effect on the proportion of his green wax totals a sheriff had to answer for; but George Fane applied the principle successfully to justify his not paying about one third of the amount of money charged to his account for the issues of sheriffs' seizures: the issues fell within the scope of the pardon, and he should not have to answer for them.²

We have to return to the green wax issues to illustrate how the sheriff pleaded that he could not

1. PRO E 368/514.

2. PRO E 368/593.

levy certain sums with which he was originally charged. We know that he was not expected to raise all the fines which had been imposed in the courts, because the liberties had to be held responsible for collecting those on men resident within their own boundaries. It seems to have been common that further reductions be allowed for the same reason, because when it came to the point, it was discovered that a greater number of those who had been fined were resident within the liberties than had originally been anticipated, and so additional adjustments had to be made because the sheriff should not be asked to raise such fines. Successful pleas were made on these lines by the first five sheriffs covered in the sample,¹ but later the precise explanation for green wax allowances is disguised in the general formula that 'the sheriff does not owe this sum by warrant' of one of the exchequer officials.² It seems probable that inability to levy because of the lack of shrieval jurisdiction within the liberties was behind at least a part of these discharges by warrant. Moyle Finch's account for example, tells us that he was exonerated of a sum of £4 10 0 from fines imposed in the King's Bench. He was excused 'by warrant', because on 29 April 1608, Thomas Atkins, who was a bailiff in Lord Hunsdon's liberty, had sworn that the parties owing these fines were resident in that liberty.³

1. PRO E 368/425, 429, 433, 505, 509.

2. PRO E 368/520, 517, 521, 598.

3. PRO E 368/525.

On the other hand, further allowances were occasionally made, not because the sheriff had no power to levy them, but simply because his officers had found that they were not able to recover the cash involved. Again, the oath of the under-sheriff, or a bailiff was required in these cases: on George Fane's account a bailiff of the Lathe of Shepway swore he had done his best to levy a total of £5 10 0 on the goods and chattels of various persons in the Lathe who had been fined at the assizes and quarter sessions, and the under-sheriff, Herbert Cadman, also declared that he and his bailiffs had not been able to gather another £6 4 10 from similar fines and issues.¹ It is of course interesting to speculate on the truthfulness of the statements of Cadman and his staff, but the fact that they were believed ought to remind us how difficult, if not impossible, the execution of justice could sometimes be.

The sheriffs of Kent quit themselves of the considerable amounts of money we noted in Table 1 by a combination of all three approaches: they paid in some money, and they said they should not and could not pay the rest. Our discussion of these methods, however, should make it clear that the totals as given in the enrolled accounts are of limited significance only. To say that

1. PRO E 368/590.

John Smith as sheriff of Kent owed the crown £4090 13 2½, and that in due course he gave a satisfactory account of himself, would in a sense be grossly misleading: it would not give an accurate picture of the nature of the sheriff's real financial responsibilities to the crown. In order to determine the level of this direct responsibility in terms of the revenue he transferred to the exchequer, a further calculation must be made. In the first place, the cash payments must be totalled. No account has been taken of the standard payment of £26 13 4 which each sheriff paid from the farm of the county, since this is dealt with in the first part of the summarised account and is not included in the figures given in Table 1. On the other hand, we must take account of the allowances for expenses which the barons allowed because, as we have seen, these may be regarded as a form of expenditure by the government. The regular annual payment of £40 to the two earls, or rather their heirs, must fall into this category, as indeed must the wages for the justices. The relevant sums for Smith are: £234 5 6 for a number of payments in thesauro; £5 for his expenses for commissioners enquiring into the goods and lands of recusants; £40 for the earls, and £23 16 0 for the justices, giving a total of £303 1 6, a little more than 7% of the sum given in Table 1. Totals of payments made by all twelve

sheriffs are given in Table 5 below, which also renders them as a proportion of the total charges set out in Table 1:

Table 5 : Sheriffs' own payments

<u>1580-83</u>	<u>1600-06</u>
'80-'81: 196 7 4 (9+%)	'00-'01: 303 1 6 (7+%)
'81-'82: 271 16 4 (10+%)	'01-'02: 450 2 5 (19+%)
'82-'83: 288 3 8 (9+%)	'02-'03: 657 2 8 (19+%)
	'03-'04: 296 12 8 (7+%)
	'04-'05: 507 13 9 (11+%)
	'05-'06: 286 11 3 ¹ / ₂ (8+%)
<u>1622-25</u>	
'22-'23: 465 9 0 (8+%)	
'23-'24: 256 19 6 (6+%)	
'24-'25: 464 5 7 (28+%)	

In terms of the larger sums originally set against the sheriffs' names these amounts appear to be insignificant. It is clear moreover, that a number of years often elapsed before the money reached the exchequer. In most cases the date of payments in thesauro is recorded on the pipe roll, and one of the most striking aspects of these accounts is that money was frequently being paid into the exchequer after the sheriff who was formally responsible for it had left office. John Smith's term of office ended in December 1601. By that date he had made two small payments, but the bulk of his money was brought in between June 1602 and February 1604. Payments within one or two

years of leaving office seem to be fairly common,¹ and longer delays were not unknown. Some of George Harte's money came in after an interval of four years, some of Scott's after nine years. James Cromer was finally quit when he paid money in February 1613, though his term of office had ended in November 1604.²

It is not easy to assess the real value of these amounts of money for the crown. Ideally, a thorough calculation for the whole country would be required in order to allow of a comparison between what sheriffs all over the country brought in, and what the exchequer derived from other sources. Until such information is available on an adequate scale however, it is not possible to do anything more than make one or two suggestions which may clear the ground a little. In the first place, the total green wax issues owing from sheriffs throughout the country could be considerable, and the crown could equally yield up a good part of that total in a general pardon. In the late 1570's the amounts were about £7000, between £7000 and £8000 in the early 1590's, and between £8000 and £10000 in Elizabeth's last years. In 1597-98 however, the general pardon reduced this amount to £3571 10 5.³ We know that other factors could reduce

1. e.g. PRO E 372/426(Sandes),/446(Smith),/448(Manwood).

2. PRO E 372/430,/456,/457.

3. BM Lansd.167,fos.5a,64b et seqq, 70a et seqq. These figures represent totals after deductions for liberties.

the amount the crown received in the event, but a draft letter of 3 March 1607, ostensibly from the king, to the lord treasurer and other exchequer officials put forward proposals which sought to check any further reduction, which was said to be the result of the abuses of 'inferior ministers'. An order embodying the proposals was issued shortly afterwards, on 13 March.¹ It might be objected that it was characteristic of James to concern himself with the insignificant details of financial reform rather than the overall problem, but against the background of the delicate state of the crown revenues it could at least be argued that any amount of money, however small, was worth having and saving.

Nevertheless, it seems to be inescapable that in terms of net return to the exchequer, the contributions the sheriffs made to the crown's income were small. We are fortunate in having two documents which give a fairly comprehensive view of income, one for the year 1610, and the other for 1619, which has figures representing an average for the previous seven years. In 1610, the total income from certainties and casualties, including the subsidy, was about £197,000, or £190,991 3 6 after fees and annuities had been deducted. More than £170,000 came from the subsidy and farms of the customs. There is no

1. BM Lansd.167,fos.72 & 74a.

figure which gives an explicit and accurate picture of sheriffs' contributions here, but it is clear that it cannot have constituted a major proportion of the crown's income from certainties and casualties.¹ The document for 1619 shows that sheriffs in the pipe office accounted for a total of £10,242 - less than half the amount drawn from the Court of Wards alone - and that £3858 of this sum was paid in ready money, the balance being absorbed in the satisfaction of allowances to household men, the queen, and in 'creation money', including £40 to the two Kentish earls. The total revenue from all heads, customs and so on, together with that from the crown estates this time, approached £1m.² Money from the customs again made up more than a half of this, so that it is difficult to believe that the shrievalty achieved very much success in the way of tangible financial returns to the crown.

But whatever the case, it must be emphasised that opinions as to the importance of the sheriff for crown revenues should not be influenced too much by the fact that there is an enormous difference between the amounts he was charged with, and that which he actually accounted for. The figures in Table 1 are an unrealistic measure of his indebtedness. His responsibility for the payment of

1. BM Ad.24,360,fos.2a-3b.

2. BM Ad.11,598,fos.12b,29a & b.

many individual debts was merely a formal one, and some of them might have been recorded already on one or more rolls before they appeared once more on his own. His failure to pay these debts did not mean that he was failing to perform the duties of his office, for although he might in fact transfer the money to the exchequer, it was never really his debt directly. Nor must the considerable proportions of the total green wax charges from which he was exonerated be considered as revenue which was lost because of his inefficiency. It was the central government's decision to surrender part of this by granting free pardons, and the sheriff had to show that all the fines he had not levied did in fact fall within the terms of these pardons. Similarly, he could not exceed his powers to collect fines on persons who were resident within liberties at the time, and again we have been evidence which suggests that his claims for exoneration depended on the bailiffs of liberties swearing that those persons were indeed outside the sheriff's jurisdiction when he said they were. The total amounts of issues arising from seizures inflated the apparent total charge considerably and, in order to secure a truer statement of his debt, the sheriff who was accounting was required to show that whereas the shrievalty had been responsible for the seizure, it did not handle matters consequent upon that process of the law. As far as

the case of the manor of Cranbrook is concerned, it is difficult to see why the item should have been included at all, since the unpaid debt to the crown which had occasioned the seizure had been satisfied; yet the sheriffs continued to be charged with the sum of £31 for many years after. Although this situation is not common among those sums owing for issues of seizures, it does serve as a particularly striking demonstration of the artificial nature of the initial charge.

If it follows from this that the sheriff did not bring very significant sums into the crown's coffers, one cannot necessarily dismiss him as being of only minor relevance: to say that he answered only for 'unimportant sums of money' presents an incomplete picture.

It was usually the case that there were men, tax gatherers and others, who owed the crown considerable sums of money, and if this were not paid in by pre-arranged times, it was necessary to take steps to avoid its total loss. The sheriff's seizure was the essential beginning of this process, and it might be the prelude to many years during which the issues of the debtor's lands were directed into the exchequer, though frequently by hands other than the sheriff's. This process of payment of debts by instalments could not begin until the sheriff had done his work. In this sense, the formal charge on

the roll, at least for the issues of seizures, may be seen as a realistic measure of the sheriff's importance after all.

We have been examining the part the sheriff played in handling the crown's revenues in the county as recorded on the pipe rolls, and it may be said that the picture which has emerged is reproduced, on a smaller scale and in exaggerated tones, when we come to study the recusant rolls. Until 1592, when they came into existence, recusants' debts had been recorded along with others on the pipe rolls: on George Harte's for example, there are several entries of this nature, one or two involving quarter sessions fines of £180 resulting from non-attendance at church for nine months, and another registering a £300 penalty on Thomas Wilford of Lenham, £50 of which was subsequently paid in 'per manus^m Thome Baker' sheriff.¹ After the act of 1585 however, failure to pay the statutory fine of £20 a month could be followed by seizure of two thirds of the recusant's lands until he conformed. The form of the recusant roll is reminiscent in many ways of the pipe roll. It consists of a list of the amounts of money owing from seized lands: these lands may have been farmed out, or they may remain in the hands of the recusant's tenants, in which case they must answer for the revenues. Whether farmers or tenants owe the money

1. PRO E 372/427.

however, there is a provision, explicitly stated in Smith's roll,¹ that they may pay it themselves by a specified date, or that it may be transferred to the sheriff's hands. Following each entry is the individual account of the farmer or tenants: a record of any payments made in thesauro, and a statement of how much, if any, is outstanding and where it is answered for. If no payments are made, and no accounting done, the sheriff is usually said to answer 'in this roll', and it is sums such as these which make up the sheriff's own charge in the section devoted to recording his debt. Four such amounts made up Smith's debt of £478 17 9, and he paid off £140 of it in two sums of £70, but the rest was accounted for by the tenants themselves and Smith was quit.² Once again, the sheriff's responsibility seems to be no more than a formal one, as it is for those individual debts which appear in the early stages of the pipe roll. The situation is best illustrated in John Hayward's account: six farms are recorded, and Hayward answers for two of them, £36 8 10 and £73 6 8, so that his debt is £109 15 6. But as soon as these two sums have been stated and totalled, they are deducted again because the tenants of the lands in question are said to answer elsewhere. Hayward's debt has thus been both constructed and demolished within

1. PRO E 377/9.

2. PRO E 377/9, 14, 15.

the space of a few lines.¹ Although the process may be recorded on several rolls rather than one, this is essentially what happens in the accounts of the other sheriffs selected for study.² The practice of 'double recording' debts which we saw as a partial explanation of the size of the sheriff's formal charge on the pipe roll also appears at times on the recusants' rolls: thus Manwood's charge of £296 7 8 included a debt of £6 7 8 owed by ex-sheriff Thomas Kemp. Since Kemp responded in the same roll, though not directly and personally needless to say, but through the answer of a farmer, the sum was expunged from Manwood's debt.³ Apart from John Smith's in thesauro payments mentioned above, and one of £6 13 4 by George Fane many years later, direct responsibility for the issues of seized recusants' lands seems to have been non-existent. The act of 1585 had provided that specially appointed commissioners should carry out the process of seizure so that as a result the sheriff's role in relation to convicted recusants' affairs was even further reduced in many cases.⁴ On the other hand, he might be involved with these commissioners and share their responsibility

1. PRO E 377/32.

2. PRO E 377/10,14,15(Scott);11,17(Manwood);no account for James Cromer on the roll;13,17,19(Baker);14,15,19(Finch);31(Fane);33(I.Sedley on this roll rather than T.Hamond).

3. PRO E 377/11;see also T.Baker's acc.where Smith's & Scott's outstanding debts are included in Baker's charge.

4. PRO E 377/12,14,32(accs.of Cromer,Finch and Hayward).

for the act of transferring the seisin of the lands to the crown. From Hayward's account for example, we learn that sheriff Antony Aucher had acted in this way, and indeed the subsequent recusant roll shows that Hayward too had participated in this work.¹

Even here then, we are reminded of the part the sheriff played in attempts to solve the problem of debts outstanding to the crown. As far as recusants were concerned he could contribute toward the performance of a recognised legal process whereby money could be recouped directly from the property of the offender. But where other debtors were involved, the responsibility for the seizure belonged solely to the shrievalty. The point has already been made that sums of money could not be recovered until the sheriff had executed a writ on the debtor's lands. For many reasons, the most significant part of the sheriff's work may be said to be that which revolved around his great concern with the execution of writs, of this kind, and many others too. A consideration of some aspects of this work is therefore essential for an appraisal of the fundamental importance of the sheriff to the crown and society in general.

1. PRO E 377/32 & 33.

CHAPTER 7

The Judicial Work of the Shrievalty

In considering this part of the sheriff's work we must once again take account of the fact that, in some respects, his powers were not as great as they had formerly been. Certainly, much of the county court's activity had disappeared by this time. It is difficult to find evidence for suits, but since the court's sphere of action was subject to a theoretical limitation to cases involving no more than 40/-, Cheyney's observation, that it dealt with no more than 'a drop in the ocean of Elizabethan litigation', has a good deal of force.¹ One writer has however suggested that cases concerning substantially greater sums than this could come before the court, but until positive evidence for the Kentish court comes to light, it seems likely that the rise of the central courts presented more attractive prospects of justice, and that they were able to deprive it of much the greater part of its work.² In counties close to London, like Kent, this alternative source of justice which the central courts offered could be a real one because proximity meant it could be grasped. Indeed it may well be that the county court had long ago come to occupy this

1. E.P. Cheyney, op.cit., p.351.

2. C.H. Karraker, The Seventeenth Century Sheriff ...
(Philad.1930), pp.49-50.

minor role. An authority on Bedfordshire has claimed that already by the fourteenth century, the county court's jurisdiction had been reduced almost to that which it retained until 1846, when an act of parliament reformed the functions of the court throughout the country.¹

We know that during this period men were still outlawed in the county court in Kent for their failure to appear before the courts to answer charges against them. A number of the writs among the quarter sessions documents at Maidstone are addressed to the sheriff instructing him to 'exact' the appearance of named men at his county court to explain their failure to come before the sessions. These are writs exigi facias, and they demand that in the event of the person's failure to attend the court on any one of five successive county court days, that is, over a period of four months, he should be declared outlawed.² These writs, and their endorsements giving details of the outlawry, are fairly common: in this sense at least, the county court was active. It was the means by which the justices retaliated against those who succeeded in avoiding being brought before them, but by this time, outlawry had little of the bite it had in former times, and so once again the importance of the county court was a limited one.

1. G.H.Fowler, Rolls from the sheriff's office of Beds. and Bucks., 1332-34, Beds.Hist.Rec.Soc. (1929). p.50.

2. KRO QM/Writs, Moyle Finch (1596).

Once in a while the whole nature of the court's work would undergo a transformation, for its vitality as the mechanism whereby the county returned its two knights to parliament remained intact, and it is here that the sheriff could exercise a recognisable, and sometimes critical, degree of power. It has been said that the privy council under Elizabeth believed that he could do a great deal to influence the composition of parliament, and that he was asked to pay special attention to the elections for the one which was to meet in 1586 following the discovery of the Babington plot.¹ The council's circular letter sent out to the sheriffs expressed the hope that the members for the new session would be drawn from the 'wise and well affected gentlemen and others' who had sat in the last one.² The disputed elections which Professor Neale managed to discover are also an indication of the power the sheriff could exercise under certain conditions. But as far as we can see at the moment, disputed elections were few and far between, and clearly, if there were only two candidates for the two seats in the election, the likelihood of dispute was slight. Following the election in Kent in 1597, Rowland White wrote to his master Sir Robert Sidney, governor of Flushing, and reported that Lord Cobham was 'grieved that in the election of the

1. J.E. Neale, The Elizabethan House of Commons (1949), p.291.

2. APC, xiv.227.

knights in Kent, you had the chief place given you by the voices of the people',¹ but there is no reason to suppose that the sheriff had acted incorrectly in returning Cobham's name second. The most obvious point about White's letter is that it makes it clear that an election could be regarded as a test of strength among the local men of standing. A closer look at the council's letter of 1586 bears out the implications of this situation. All the sheriff was asked to do on the basis of this letter was to call 'unto him three or fower of the well affected gentlemen thereabouts' and tell them of the desirability of choosing discreet persons sound in their religion and loyalty to the state to represent the boroughs, and for the election of the knights, to signify 'to the principall gentlemen of that countie this her majestie's disposicion'. The primacy of the gentry in deciding the outcome of the election is here recognised, and the 1601 election in Kent illustrates the degree of preliminary manoeuvring which this involved. On the one side, Sir Robert Signey^d was anxious to advance 'the party for Sir Henry Nevill'. His agent, Francis Golding

'...practised in all places near Penshurst and sent further off. I am in good hope you shall be satisfied and carry with you a good troop if you come over before the election. If Mr Francis Fane stand (being encouraged by Lord Cobham) we

1. HMC De L'Isle and Dudley, ii.293 (4 Oct.1597).

shall be out of hope of those about Hadlow,
Tonbridge, Teudley and Gowdhurst.' 1

For Francis Fane's preparation we have a list compiled by one of his servants of the 'names of such gentlemen as my master wrote unto for their voyces when he was chosen one of the knights of this shier of Kent at Pickendon Hethe (near Maydstone), 21 September 1601, my master having the first voyce, and Sir Henry Nevill the nexte'.²

The concern which these interested parties showed in the 'chief place' or 'first voyce', presumably because of the prestige value it carried in the county, gave the sheriff an opportunity to exercise any partiality he might have in deciding whom the electorate favoured most. But where there were more than two candidates, and the election was therefore a contested one, the scope of this opportunity was greatly enlarged. This is illustrated by the fact that the sheriffs conducting the elections of 1624 and 1625 were each suspected of having returned men contrary to the wishes of the electorate, although in the event their returns were accepted at Westminster. Reporting to Dudley Carlton on the 1624 election, John Chamberlain wrote that Edwin Sandys had been elected for Kent 'in truth' or rather 'by partialitie of the sheriff as is pretended'.³ It is not clear what prompted this suspicion: at this time Sandys was under threat of being sent to

1. HMC De L'Isle and Dudley, ii.535.

2. BM Add.34218, fo.15a.

3. PRO SP 14/158/33, Jan.1624.

Ireland, and engineering his return to parliament may have been seen as a way of exerting pressure on the king to allow him to stay in England.¹ Following the next election in 1625 however, the charge made against sheriff Thomas Hamond was that he had failed to return Sandys, together with Edward Scott, in favour of Lord Burghersh and Sir Albert Morton, one of the king's secretaries.

The election took place against a background of considerable confidence among Sandys' and Scott's supporters. On 4 April 1625 one of these had written to Scott saying that east Kent had already shown strong support for the two candidates, and he promised that he would carry on labouring in their interest.² Over and above this important groundwork, Scott it seems had written to the returning officer himself, or rather his under-sheriff. One of Scott's servants records meeting the deputy at Rochester just before he saddled up to ride off to London to see the high sheriff:

'... he [the under-sheriff] sayth that he is very glad that he hath the letere from you before he went, and he sayth that he will do what he can ...'

But the correspondent also reported that Burghersh was writing round for support, and his subsequent return at the election prompted a petition from some Sandys-Scott

1. See Chapter 'The Sheriffs as Governors'.

2. KRO U 1115/C 22.

partisans in which the charges against sheriff Hamond were made. They claimed that on the day of the election the

'... voyces of the freeholders were so intricate that there could no true judgement be made of the persons who had the pluralitie of them, either by voyce or viewe ...'

As a result, the sheriff was pressed by 'thousands' of freeholders to take the poll, which great task he assented to, appointing eight clerks to 'tayle the voyces', four on each side. When this had been done it became clear that Sandys and Scott had the majority behind them, but the sheriff before noon of the same day

'... on a suddaine discharged the said polling and pronounced the said Lord Burghersh and Albertus Morton to be choosen knights of the shire.'

1

However effete the county court had become under normal circumstances, men still considered that the sheriff could make perverted use of it when it came to deal with the important task of returning two knights of the shire to parliament. Some were ready to believe that he had virtually alienated to himself the right of deciding who should represent the county. By one simple act he had pronounced who had been elected, and those who believed that the majority of the freeholders had been ignored clamoured in vain.

In his discussion of the sheriff's courts, Dalton considered that the tourn 'is now almost grown out of use'. In its heyday it had been held twice a year in each hundred of the county as the sheriff made his journey through his bailiwick. It had more power than the justices now have, 'for the sheriffs in their tornes did enquire of all treasons which were treasons by common law, and of felonies etc.' The Officium goes on to list, over many pages, the extent of the sheriff's erstwhile authority and activity here, and gives a number of reasons why it should have disappeared. Apart from the fact that the sheriffs sell their under-sheriffwicks to men of 'mean estate' who are not concerned with the good of the commonwealth, and do not keep the court as it ought to be kept, the activity of the justices of the peace seems to be the chief cause of the tourn's decline: most of its work had now fallen within the scope of the quarter sessions.¹ The obviously available evidence gives no indication that the tourn was a viable institution in Kent in the period 1580-1625. It may have met, but if it did the record of its meetings are among the great body of shrieval documents which are so conspicuously absent from the archives.

1. Dalton, pp.385,392,402.

The most important part of the sheriff's judicial work lay in other directions, and in fact, it probably constituted the bulk of shrieval activity as a whole. The work we have discussed so far has gone some way toward establishing the sheriff's role at this time, but it is unlikely that it occupied a major part of the time of the shrieval staff. Dalton's views were clear and unequivocal in this matter:

'The office of a sheriff consisteth chiefly in the execution and serving of writs: and to do this he is the immediate officer of the king and all his courts. And he is sworn that he shall truly do this, and he must do this without any favour, dread or corruption.'

1

Since the sheriff was thus by virtue of his position a vital link in the chain of execution of justice, there had to be safeguards to ensure that the function was performed. Should he simply return a writ unexecuted to the messenger who brought it to him, he exposed himself to the possibility of being fined. If his execution was alleged to be unsatisfactory, his action could be examined by the justices upon complaint of the injured party, and he might be punished if the charge were substantiated.

A large part of Dalton's Officium is devoted to a detailed discussion of the numerous kinds of writs the sheriff had to handle, and to the correct way of dealing

1. Dalton, p.96; my italics; see Appendix C for a definition of the main types of writs encountered by the sheriff.

with them, and conversely what the sheriff might not do in the performance of this work. The same might be said of that part of Wilkinson's treatise which is given over to the office of sheriff.¹ Because of the emphasis on judicial activity of this kind, and in view of what has been written about the decline in the importance of the sheriff by this time, it is essential that the nature of the work be examined closely so that its significance becomes clear. When this has been done, it may also be possible to make some suggestions as to the efficiency of the shrievalty in the performance of this the greatest of its tasks.

'He is the immediate officer of the king and all his courts' Dalton wrote, and it soon becomes evident that the sheriff was indeed the recipient of numerous writs from various departments of state. We have already mentioned some of them: scire facias from the exechequer to require men to appear in order to explain their irregular alienation of lands held in chief; and more writs, on their failure to appear, directing the sheriff to seize their lands; writs to seize the lands of debtors; and writs of exigi facias from the justices of the peace to put men outside the scope of the law for their refusal

1. J. Wilkinson, The Office of Coroners and Sheriffs (1628).

to submit to its restraints. It is difficult at this stage however to construct a complete picture of all aspects of this work. In some cases the evidence itself has survived only on an uneven basis: this is especially true of the writs among the quarter sessions records for the county which the sheriffs received from their fellow country gentlemen who made up the commission of the peace. On the other hand, large quantities of writs which have survived among the chancery records in the Public Record Office have not yet been fully sorted and indexed, and have not been released for inspection. It will be some years therefore before a comprehensive view of this work is possible; but in the meantime, we do have enough material to provide adequate illustrations of it in its main outlines, and also to show how important it was to both the crown and to Kentish society at large.

If we believe that the courts were very busy at this time, we should also be prepared to believe that the sheriff found he had much to occupy him: for he was inextricably involved with the affairs of the courts. We are told that in the sixteenth and seventeenth centuries men showed a greater willingness, and ability, to bring their quarrels within the jurisdiction of a court system which had undergone a considerable process of sophistication. But if a complaint was made to a court against a party, his

attendance at court had to be secured before the law could go much further in a constructive way. It was the sheriff who was given the task of bringing men to court to answer charges, and indeed if he failed to do so he might be fined: we shall see that some of our men were punished in this way.¹ Thus the law courts used the sheriff to activate law suits between party and party; but he could obviously be used in the same way in the interests of the crown, not only to investigate the transference of lands held in chief, but any other offence about which information was needed.

Some of these proceedings may be studied in the recorda sections of the king's remembrancer memoranda rolls.² The exchequer officials were often prompted to act as a result of information given against persons before the court. For example, on 12 April 1581 a gentleman of West Malling acquainted the court with the intended illegal export of grain from the port of Sandwich by a merchant of that place, one Thomas Robinson, and two shipowners, Nicholas Matson and William Dallamore. It was decided that these men should be brought before the court, and so shortly afterwards a writ of venire facias was dispatched to the sheriff, Thomas Sandes, requiring their attendance on a given day.³ The problem of controlling

1. See chapter 'Sheriffs' Fines'.

2. PRO E 159/.

3. E 159/380, rec., rot.19a.

grain exports in fact remained throughout much of the period. There seems to have been no shortage of information given against those who were tempted to infringe the export restrictions, and it fell to the sheriff on each occasion to find the suspected parties and produce them at court so that their cases could be investigated.¹ Two further examples from the memoranda rolls illustrate how the sheriff similarly became part of the crown's efforts to prevent unwelcome encroachments on the royal estates. The first was in 1581 when a man was attached and brought into the exchequer on the appointed day for taking part of the queen's woodlands by force of arms; and the second, many years later, when sheriff George Fane secured the attendance of men who were charged with 'intrusion' into the crown estates and maintaining the profits from them in their own hands.²

It appears that the sheriffs succeeded in getting such men into the court in very many cases, though they sometimes failed to return the writ itself. Occasionally this success was prompt, and the accusation could therefore be investigated fairly quickly;³ but at other times it was some years before the defendant appeared. A subscription to the entry concerning Robinson's alleged

1. E.g. E 159/424, rec., 14a, 15b(45 El.); /425, rec., rots. 10b-13b, 21a-22b(1 Jas.)
 2. E 159/380, rec., rot. 62a & b; /462, rec., rot. 10a.
 3. E.g. E 159/380, rec., rot. 30a.

intention to export grain, for example, shows how the writ which the sheriff received could merely be carried over to his successor until there was a positive outcome:

'And so the said process was continued from term to term, and year to year, until the octave of St Michael in the 31 year of Queen Elizabeth, at which day the sheriff did not return the writ, and Matson and Dallamore did not come ...'

Robinson himself did arrive, however, and he entered a plea of not guilty.¹

We have already seen a number of ways in which the sheriff's execution of writs could be used to protect the integrity of the crown estates and landholdings in general. The essence of such writs may be found recorded in the returnable writs section of the other set of memoranda rolls - the lord treasurer's remembrancer series - along with any others which the barons might send down from time to time. For instance, on an early roll there are a number of writs which were designed to secure arrears in the payment of the farm of a manor, and to retrieve debts in general: in other words, they represent the sort of action we have discussed in the previous chapter with regard to the entries we find in the pipe roll accounts.²

The bulk of the entries in this and other sections of the memoranda rolls however seems to have been concerned either with suspected alienations, or with

1. E 159/380, rec., rot.19a; see also /381, rec., rots. 14b, 16a for long delays.

2. PRO E 368/422, brev.retorn., rots.26a & 31a.

securing annually to the crown the payment of fines for homage from those who held lands in chief. From the point of view of the exchequer, this meant that a multitude of writs were issued each year which required the sheriffs throughout the country to distrain on the goods of such tenants until they had sworn fealty, or rather, until they compounded for this act in money payment. An under-sheriff of Yorkshire at about this time considered that, for his county alone, they amounted to more than 800 every term: we shall deal with the alleged consequences of this at a later stage.¹ As far as Kent is concerned, there does not seem to have been anything like this number of writs, though they were still very much in evidence; more than 100 at the beginning of the period, approaching 150 by 1603, and well over 200 by 1624.²

It is unlikely that the writ which required a man to swear fealty to the crown was concerned principally or immediately with raising revenue; for the fines paid for the composition of homage were small, amounting to

1. BM Harl.6836, fol. 205a.

2. E 368/422, rec.rots. 145b-146a, 148b, 151a & b; brev.retorn., rots. 23a etc.; /423, fines, rot. 13a; /424, fines rots. 10b-11a, 20a; /425, fines, rots. 9b-10a, 19a; /510, fines, rots. 7b-8a; /511, fines, rots. 12a-b; /512, fines, rots. 11a-b; /513, fines, rot. 5a; /591, fines, rots. 36b-37a; /592, fines, rots. 14b-15b; /593, fines, rots. 20a-21b; /594, fines, rots. 21b-22b.; the writs themselves are recorded in the recorda sections, but summaries of payments of respite of homage in the fines sections take account of these: each entry is followed by a note which declares the party's obligation to pay homage according to the recorda section. These writs may also be found in the brev. retorn. section.

a few shillings, or commonly only a few pence. Nevertheless, a record of compositions for homage was valuable as evidence of land tenure, should the crown wish to discover readily its tenants in chief within the county. The story is quite different when we come to examine another group of writs which the exchequer sent out to the sheriffs. These were then returned to the court and are now collected and preserved under the head 'extents and inquisitions',¹ with their endorsements and details of execution. Although the writs may vary from case to case, they are concerned essentially with the task of recouping sums of money owing to the crown, and which in some instances had been outstanding for many years. Hence we are compelled once again to consider a sphere of the sheriff's activity which we have already discussed to some extent in dealing with the issues of sheriffs' seizures on the pipe rolls; but a closer look at some of these extents and inquisitions allows us to gain a glimpse of the shrievalty in action. The shorter reign of James I is better represented than Elizabeth's among these records, though it is not apparent whether this is merely an accident of the survival of materials, or if it is a true reflection of a greater measure of exchequer concern

1. PRO E 143/.

for the state of the revenues. On the other hand, it is clear that the greater part of the writs of both reigns gave the sheriff instructions to take steps toward the direct recovery of debts.¹ If the debtor was known to be dead, the sheriff was to discover (inquiras) what goods, chattels and lands he had held, and seize sufficient of them to satisfy the debt. If the person was thought to be living, the sheriff received a writ fieri facias empowering and requiring him to satisfy the debt in a similar way. The terms of the fieri facias - which figures prominently in this collection, not only for Kent, but the country as a whole - were usually defined very carefully, so that, in theory at least, there was no opportunity left to a man to escape his financial obligations, even after death. The writ bade the sheriff seize goods and chattels, which included lands held by lease,² and to realise capital from them which could then be paid over to the exchequer. If it was not possible to raise sufficient at once, the debtors concerned must be arrested and kept in custody until their debts were obliterated. The services of a jury must be called upon to discover what lands they held at the time they became

1. E 143, boxes 32,33,35,36,37,42-44,47,48,53 sampled.

2. Dalton, p.145; Wilkinson, op.cit., fo.72b.

debtors, and these lands must be extended upon the oath of the same jury, that is to say, the jury must estimate the annual income yielded by the lands. If they had died, the jury must ascertain their personal estate at the time of death, and who now had possession of it. These people, together with the executors of the debtors' last will and testament, should then be distrained upon to answer to the barons of the exchequer court for those sums of money which were specified in the schedule attached to the writ.

Debts were commonly recorded in these schedules without any indication as to how they had arisen in the first place, beyond the fact that certain sums of money had not been paid by dates which had been agreed upon in recognisances. So the sheriff was presumably being asked in some cases to raise the amount of money contained in the 'penalty clause' of such recognisances. James Hales for example received a writ dated 29 May 1587 concerning the late Henry Dyer of Lewisham, who had bound himself to the queen in October 1568 in a debt of £100 which was unpaid at his death. Soon after the issue of this writ, on 9 June, an inquisition established that Dyer had left goods to the value of £120, and we learn from the writ's endorsement that the lands which had been detailed in that inquisition were seized on 30 June.¹

1. PRO E 143/box 32.

Dyer's debt was a fairly old one, of some twenty years' standing in fact, but it was not uncommon for the sheriff to have to make attempts to bring in money which had been forthcoming for much longer than this. Just before our period commences, a schedule attached to a writ to sheriff Edward Boys contains details of debts from the time of Henry VIII; and another of James Hales' writs aimed at the recovery of £1400 owing from Edward VI's reign.¹ The same may be said of cases which concerned some of the sheriffs during James' reign, by which time of course, the debts had become even older.² Otherwise, the debts covered in this group of documents were broadly similar to the ones we have already mentioned from time to time. For example, the sheriff armed with the writ, could guarantee that tax collectors yielded their issues to the exchequer in some form: he could realise any outstanding revenue from the personal possessions of the collectors. Edward, the other member of the Hales family to become sheriff, in 1608, was instructed by the exchequer to find a solution in an indirect manner when he seized lands held by a Henry Cowper who was in debt to Bernard Hide, one of the collectors of the 'new imposition' who himself owed 'various great sums of money' to the crown

1. PRO E 143/boxes 32,35.

2. E.g. PRO E 143/ boxes 42 (Dallison & E.Hales), 44 (E.Scott).

from the issues of his office.¹ On this occasion, the exchequer had required the sheriff to anticipate the repayment of Cowper's debt to Hide in order to satisfy Hide's obligation to the crown; but the approach was usually more direct than this. On 12 June 1611 for example, a fieri facias was dispatched to sheriff Nicholas Gilbourne together with a schedule of debts five pages long. John Note, the under-sheriff who was killed in the execution of a writ, appeared in this schedule because he owed money from his collection of subsidies in both Elizabeth's and James' reigns.² Both Hales and Gilbourne were also engaged in recovering unpaid fines imposed in the Star Chamber,³ and it is interesting to anticipate a little at this stage our discussion of the efficiency of the shrievalty. The schedule which Hales received gave details of twelve fines amounting to £756 13 4. Eight years later, Beswick's schedule contained the same twelve fines: presumably nothing had been achieved in the interim towards recovering the sums outstanding.

The debts recorded in these writs were frequently substantial ones. Two citizens and merchants of the City of London owed the crown £1400 from the time of Edward VI, and Sir Henry Sidney had died in 1586 still owing £1000

1. PRO E 143/box 42; see also box 44 for Gilbourne.

2. See chapter on the under-sheriff; PRO E 143/box 44.

3. E 143/boxes 53 (Hales), 44(Gilbourne), 48(Beswick).

to the exchequer from Easter 1574. Two of the writs surviving for James Hales directed him to take the appropriate steps to recover these amounts.¹ Much more impressive from this point of view were those cases which demanded a good deal of execution, that is to say, those single writs which focused the sheriff's attention on a whole series of debts owed by a number of people. A fieri facias directed to sheriff Thomas Willoughby and dated 23 June 1591, required the investigation of no less than 28 debts totalling more than £3200 and listed in the accompanying schedule. During the later part of August, and on September 1, a number of juries met at Maidstone, Sittingbourne and Canterbury and considered matters relevant to them.² One of Edward Hales' fieri facias some years later was even more complex: more than 70 debts were itemised in the four pages attached to it, again amounting to more than £3000, and the jury work was carried out in three different places on three days, 4-6 October, 1609.³ By no means all of the writs we are considering here were concerned with sums of this magnitude but, on the other hand, there are enough examples in these collections to show that it was not rare for

1. PRO E 143/box 32.

2. PRO E 143/box 33.

3. PRO E 143/box 42; see also boxes 35(E.Boys), 53(E.Hales), 44 (E.Scott, and N.Gilbourne for £5000+).

sheriffs to be asked to gather such large sums. In any event, most fieri facias did seek to recover several hundred pounds, no mean amount even against the more striking examples we have been considering.

The Court of Wards too made use of the sheriff in order to recover arrearages on the lands of those who had fallen within its jurisdiction. Despite the existence of the feodary in the county, some of the sheriffs of Kent in this period were responsible for raising money from lands so that the feodary could answer for it in his own account to the court. Roger Twisden for example, paid a total of £9 10 0 to feodary Michael Beresford from the arrears of the lands of two men, Thomas Parker and Clement Calthorpe; a few years after this, the feodary paid in a sum of £15 15 0 drawn from the lands of the late William Coppinger and received from 'the late high sheriff' Peter Manwood.¹ The amounts the sheriff was asked to levy varied of course with the nature of the lands of the ward, and because of this, he might in fact pay in fairly substantial sums: a number of the sheriffs were employed in levying the issues of the lands of the late Thomas Diggs, which amounted to £60 for the whole year.² The sheriff raised such revenue of course on the basis of writs he had received from the court: Antony Aucher

1. PRO Wds.9/390,fo.80a; /400,fo.7a.

2. Wds.9/408,fo.204b;/414,fos.3a,80b,138b,215a(Dallison, Norton,Filmer;Stede,Aucher resp.); see also /414 fos. 63a,138b,303a, for E.Scott,J.Sedley,Hayward.

thus owed £60 which he had levied of the lands late of Sir Thomas Diggs 'as by his retorne upon the severall writts of levari facias'.¹ This particular form of writ was appropriate to this kind of work because it was framed so as to authorise the collection of revenue from the profits of lands ('de exitibus et proficuis terrae') already in the crown's possession.²

Hence by means of the writ, the sheriff exercised the function of a debt collector for the Court of Wards as well as the exchequer. The money he collected, however, was merely transferred to the hands of the feodary, who then paid it in to the court: the sheriff's role as collector may well have been obscured from view in other words. In any event, his partnership - or rather, that of his under-sheriff - with the feodary in these matters made him into something like an assistant, or even subordinate, to that officer, albeit a valuable and necessary one. The writs of levari facias he was called upon to execute did not attempt to bring in the huge sums which the barons of the exchequer hoped to raise from the fieri facias, but it will emerge from the argument below that his work for the Court of Wards may well have been more steadily efficient.

We have so far been discussing how the sheriff, armed with the appropriate writ, could raise debts for the government; but he took on a similar role with regard to

1. Wds.9/624, fo.2b.

2. Jacob, Law Dictionary (1772), sub 'levari facias', see Appendix C.

private debts too. By securing a writ out of chancery, a person could secure the services of the shrievalty in recovering money outstanding to him from a second person. The sheriff's activity here is perhaps best illustrated in the surviving records of the execution of writs elegit among chancery documents.¹ This writ was, strictly speaking, a 'writ of execution' granted to one who had already gone to court and recovered damages on a person who was not able to satisfy the sum from his goods alone. It enabled the sheriff to seize one half of the debtor's lands for the satisfaction of the debt. It follows from this that, as with the fieri facias, a jury had to be empanelled in order to extend the property of the debtor. It also required the arrest of the debtor, and his detention until the satisfaction of his debt. Presumably the debts had been contracted for a wide variety of reasons, though they are not revealed to us: the important point was that the obligation to pay over money by an agreed date had not been met. On 16 May 1579 for example, Robert Shepherd, a yeoman of Bromley, bound himself to William Dallison of Halling, the father of Maximillian who became sheriff in 1611, in a sum of £100. Because of Shepherd's failure to offer a satisfactory explanation for his not paying this money on time, Dallison secured a

1. PRO C 131/ 127-8, 131-33, 138-40, 148, 150-51, 154-56, 161: sample covering 23-25, 29-31, 39-41, 45 Eliz. & 1-2, 3-13, 14, 17-22 James.

writ elegit out of chancery which went down to sheriff John Fineux on 14 February 1588. Two weeks later, on 27 February, an inquisition was held at Bromley. The jury drew up a schedule of Shepherd's chattels, which they valued at £1 9 0. They also estimated that he was seized of lands worth £5 6 8, and in consequence the sheriff seized a moiety of these at £2 13 4, to be held until the debt had been paid off.¹

It seems that the seizure of half the debtor's lands was frequently, if not always, the full extent of the sheriff's execution: the returned writs usually carry an endorsement 'non inventus est' on the party himself who ought to have been held until the debt was paid off. We may never know if such endorsements were 'true', or if they were the result of a lack of enthusiasm to locate, or even connivance in favour of, the recipient of the creditor's writ. Two points need to be made however. In the first place, the way in which this kind of writ was executed provided a means whereby a man could pay off a debt over a period of time, despite the fact that he had failed to meet a previous deadline for repayment: if he was not found (non inventus) on the day of the receipt of the writ, he was able to meet his responsibilities, belatedly and forcibly it is true, but without any infringement of the liberty of his person. From the

1. PRO C 131/132, no. 4.

creditor's point of view it meant that his capital was not lost, though it had not been realised with the speed and finality he no doubt would have preferred, especially in view of the unlooked-for cost and inconvenience of having to secure a writ and its execution. Secondly, this writ, like the fieri facias, provided for the contingency of the death of the debtor. A yeoman of Westminster, a Henry Bannister, was owed £60 by Thomas Twiste esquire of Eltham, who was reported to be dead by the sheriffs of Middlesex in their return of a scire facias issued against him at Bannister's suit. As a result, a further writ had gone down to Thomas Baker, the sheriff of Kent requiring him to warn Twiste's heirs and tenants to appear before the Chancellor to show why the amount should not be recovered from his lands. The tenants failed to respond to this scire facias, and so the elegit was issued on 31 January 1606. On 4 February Baker seized half of Twiste's lands in accordance with the findings of a jury at East Greenwich.¹

The scire facias against Twiste's heirs serves to remind us that the recovery of debts could occur in several stages for, before goods or lands were seized, the debtor was first given the chance to explain his failure to meet his obligation. Indeed, the small numbers of

1. C 131/155, no.3.

elegits which have survived may be in part a reflection of the success of these earlier writs. In many cases where the debt had become overdue, it is likely that the issue was settled shortly after, so that the need to recover revenue by the direct intervention of the sheriff was obviated. At this stage it is impossible even to begin to estimate the quantity of scire facias writs which came out of chancery to the sheriffs in Kent in this period, because the series of files in which they are preserved have not been sorted and are still closed to inspection. The same is true in fact of those chancery writs of attachment which have survived and which carry the endorsement 'non inventus est'.¹

The work we have so far been considering may be taken to represent a cross-section of the instructions the sheriff received from the central courts at Westminster; but he was bound in the same way to execute all process which issued from the local judicial bodies, the assizes and the quarter sessions. What has survived of the quarter sessions records for Kent during this period allows us to form some idea of how much work of this kind came to the sheriff. It may be divided into two basic categories.

1. This is also the case for writs directing the sheriff (among others) to take securities for keeping the peace from those who had been pardoned, and for those which ordered the release of persons who had given securities for good behaviour.

It began, in the first place, with the justices sending him a writ of summons which required him to warn stewards, constables and other officials of the coming quarter sessions. It also authorised him to empanel the juries of inquiry, the grand jury for the county, and particular juries for the hundreds. Before those who were suspected of infringing the laws could be prosecuted or indicted, juries of enquiry must be assembled to investigate claims of infringement, and there must be present all those officers whose presence was deemed to be essential for the efficient execution of the process of law enforcement.¹ The nomina ministrorum which often accompany these returned writs give a good indication of the large numbers of men who might attend the sessions if the shrievalty had been wholly successful in its attempts to secure their appearance; and it would probably be true to say that, if properly executed, the single writ of summons would involve a great deal of labour, chiefly taken up in the impanelment of the several juries of inquiry. In theory, the writ ought to have been issued at least fifteen days before the first day of the projected sessions in order to give the sheriff time to complete his task,² but many of

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1. KRO QM/S.Ro: many writs of summons to the sessions survive, especially for the period 1593-1617.
 2. W.Ogwen Williams, Calendar of Caernarvonshire Quarter Sessions Records (Caern.1956), i.lxxxvi.

those which survive for Kent seem to have been sent out earlier than this, a fact which in itself may be another indication of the size of the problem they posed.

Whatever the case, the sheriff's work for the justices was by no means ended with the execution of this one writ, for it then fell to him to bring before them those who had been put under suspicion by the juries. He did this of course by virtue of further writs from the justices. In the first instance these would normally take the form of a capias - requiring arrest - for felonies, or of a venire facias for trespass and misdemeanours, which meant that the party had simply to be warned to appear in court.¹ If these writs failed to produce the appearance of the parties at court, sterner ones would be issued until the matter became desperate, and was transferred to the county court on the basis of an exigi facias: the persons concerned were thus brought face to face with the prospect of eventual outlawry.

The collection of writs at Maidstone is ostensibly a good one, since it consists of several hundred documents, but it is nevertheless an imperfect series as far as our immediate purposes are concerned.² There are no writs for the first ten years of our period, and those covering

1. W.Ogwen Williams, op.cit., i.xcvii-xcviii; see Appendix C for the writs.

2. KRO QM/Writs, 1590-1710.

the remaining years are spread unevenly, and are often in very bad condition: all these circumstances suggest that much has been lost altogether. On the other hand, what has remained gives some idea of how much work could come the sheriff's way from this source alone. Less than 20 writs directed to Peter Manwood (sheriff 1602-03) exist in the collection for example: seven capias, nine venire facias and one of attachment. For Michael Sandes' second term of office we have roughly the same number, eleven bearing the date 25 September 1593, and a further ten which were presumably issued after the next general sessions, and dated 2 January. But we know that Thomas Kemp, sheriff in 1596-97, received at least some forty writs, mainly capias and venire facias, as did William Withens (1609-10), while about double this number exist for the shrievalty of Edward Hales in 1608-09. These figures may represent a changing pattern of activity in the quarter sessions: on the other hand, the marked unevenness of the surviving material could account for the fluctuation, so that Sandes and Manwood appear to have done relatively little. Again, Sandes' two immediate successors in 1594-96, Edward Wotton and Thomas Palmer, appear to have received many more than he did. The evidence for these last two sheriffs may be unrepresentative of the whole period, because they served at a time when the degree

of unrest in the county, and the country, seems to have been unusually high. Well over a hundred writs for Wotton could represent the justices' special fear and vigilance in disturbed times therefore. This does not alter the fact however, that each of the writs had to be dealt with in some way by Wotton's subordinates.

The sheriff made a great contribution to the running of the general sessions therefore in calling them together, summoning the juries of various kinds, and in producing those who were charged with offences. Whatever the amount of labour involved, his services did not end here. Much of the work of the justices was carried on outside the limits of the quarter sessions, and the sheriff's help was equally necessary for its efficient running. Those who disturbed the peace between quarter sessions had to be dealt with in the meantime for example, and although constables were often instructed to arrest them, there is evidence that on a number of occasions the sheriff was asked to act.¹ Otherwise the sheriff's duty consisted in the empanelment of juries on the basis of writs venire facias for special sessions of a small gathering of justices assembled to deal with particular threats to the peace. There is a good selection of these writs

1. KRO QM/SB 1603-10:26 Sept.1606, 23 Sept.1609; QM/SB 1570-1603: 20 Jan.1603.

at Maidstone, and they testify to the continuing problem of conserving the peace, and the sheriff's necessary participation in the attempts to solve it.

The foregoing survey has been an unavoidably limited one, but it should have served to give some indication of the nature of what was at the heart of the shrievalty. In all probability, it was not light work; two factors suggest that it consumed a considerable amount of time and energy. In the first place, the quantity of writs was large: although it is difficult and dangerous to attempt to estimate an average figure to represent the total number of writs received from all sources during his term of office, it is not likely to have been less than about two hundred. This figure is based on the assumption that our analysis of various types of writs has been fair, or even conservative. But apart from the administrative and executive implications of sheer numbers, the nature of some of the writs was such that their execution demanded the expenditure of much energy. The successful execution of a scire facias for example, consisted solely in warning the party named in it to appear in court at a certain time: once he had been found, and told, all the sheriff had to do was to endorse the writ so as to communicate the nature of his execution of it, and then return it to the court whence it came. But a fieri facias, or an elegit,

demanded the summoning of a jury and its questioning about the property in question. Where the writ ordered the investigation of a number of debts, rather than just one, which was frequently the case in those fieri facias the exchequer sent out, then the amount of work involved was, in theory at least, even greater. The services of several juries meeting in several parts of the county on several days were, not uncommonly, called on so that a lengthy list of debts could be examined.

It is important to bear these points in mind, for by focussing attention on the justice of the peace and the 'stacks of statutes' he was asked to enforce, it has been all too easy to conceive of the shrievalty as being a somewhat inactive and defunct institution in the extension of the king's government to the locality. The sheriff was necessarily implicated in much of the work the justices performed in their attempts to keep the peace, but this was only one part of his labours. It is at least arguable that if the justice toiled under stacks of statutes, stacks of writs constituted the sheriff's cross. Indeed, this was one of the main points made in a long letter written by an under-sheriff of Yorkshire, which dealt with the shrievalty in that county and was headed 'A briefe note of the inconveniences and wrongs to the sheriffs and countrie'. The writer complained that there were so

many writs of homage alone that:

'... he hath hardly tyme to looke them all over ... yet is he enforced to retorne issues on them all not having tyme to inquire and examyn whoe are bad, or whoe hath sould, and he retorneth many of them wrong ...'

1

The question of the efficiency of the shrievalty which is apparent here, is discussed more explicitly in another under-sheriff's letter written in 1588 to Lord Burghley.² Working on the premise that the under-sheriff was the key man in the institution, the writer struck a decidedly pessimistic note. He believed that even if under-sheriffs were equipped with a close working knowledge of their county, any genuine zeal and integrity they had would be defeated by the amount of work they must face. Under normal circumstances however, the under-sheriff did not have such knowledge - he was therefore 'ignorant' - and he could not deal satisfactorily with the problem of executing large numbers of writs for the crown, as well as those for private persons. On coming into office, usually in November, the under-sheriff encountered a quantity of writs out of the exchequer 'of some twenty and forty years past', that is presumably, writs dealing rather desperately with longstanding matters. These

'... so amasethe this poore man that he knowethe not which way to turne himselfe, nor which parte of the countye liethe moste convenient for his first travell...'

1. BM Harl.6836,fo.205a.

2. BM Lansd.57,fos.16b-18a.

Because of this he was tempted to neglect the crown's process and concentrate on the private, for which he was entitled to take fees. During the ^hsport vacation between Easter and Trinity terms the under-sheriff received a second batch of writs from the exchequer, and 'agayne they are as well returned as before', so well in fact, that it cost the crown more in parchment to produce the writs than it got from their execution, 'and this by reason of the ignoraunt under-sheriffe'. Even a good man, who achieved some success in this work, would soon find himself encumbered with too many matters, so that he would be compelled to do less execution than he might otherwise complete.

'Thus the sheriffe returnethe to end his yere where he beganne, her majestie's prossis for the moste parte unexecuted.'

Thus Burghley was presented with an essentially pessimistic view of the effectiveness of the shrievalty, especially in its role as an instrument for recovering crown debts. The writer went on to plead for a sympathetic hearing for any shortcomings which might be discovered in his own handling of the office, and it could be supposed that his whole argument was meant to act as an elaborate excuse for these. Nonetheless, it is possible to test his conclusions to some extent on the basis of what we know of Kent. It is certainly true that an analysis of

the fieri facias returns which we studied does not reveal a high degree of success, that is to say, that debts were often not recouped for the crown on the basis of this writ, despite the comprehensiveness of its terms of reference. Almost half of them may be regarded as completely unsuccessful. The basic reason for the negative return in each case was simply that, according to the juries, the debtors had no goods which could be seized for the recovery of their debts. On the other hand, there was occasionally some variation upon this basic explanation. A fieri facias dated 4 June 1578 failed to raise a sum of more than £1200 arising from a number of sources; the endorsement stated that none of the parties named in the schedule had goods or chattels, that some of them could not be found within the bailliwick on the day the writ was received, and that they had no executors from whom the money could be raised. Two attached inquisitions gave fuller details: one man had lived in London for the past seven years, others were alive, though the jury did not know where they were to be found, some were dead, and some had no goods, or at least none beyond those which had already been seized for other reasons. One other party was resident within the liberty of the Cinque Ports and owned nothing outside their jurisdiction.¹

1. PRO E 143/box 35(E.Boys);boxes 33(Barnham & Willoughby), 36(T.Norton),42(E.Hales),43(Gilbourne),48(Beswick) among other examples with the same returns.

The problem of interpreting these negative returns is a difficult one, for we must face the possibility that they were false returns, either because the sheriff and his juries were unwilling to declare goods and chattels on which debts could be realised, or because they were not possessed of an enthusiasm sufficient to bring about a thorough investigation. We know that at least on three occasions the exchequer considered that there had been some form of obstruction in the returns, because three of the writs and extents bear an instruction that the sheriff should be fined for false and insufficient process unless his returns were amended by a certain date.¹ But there was no essential reason why negative returns should not by and large represent the truth; and of course we must remember that the remaining half of the returns studied here showed more positive results.

Two of the three juries Edward Hales called to enquire into debts in September and October 1609 could find nothing or no-one to answer for them. The third, which had met at Maidstone on 21 September, found that Richard Pope, who owed £10, had died holding lands valued at £3 6 8 which the sheriff had duly seized on the same day.² Another of the writs he received was fully

1. PRO E 143/box 36(T.Norton),44(E.Scott & Gilborne).
 2. PRO E 143/box 53; also boxes 37(E.Scott),44(E.Scott & Gilbourne) for other partially successful executions.

executed in the sense that he seized lands of the debtor named in it - though he returned a non inventus est on the man himself - and two of the writs his elder cousin James had received when he was sheriff in 1586-87 were dealt with in the same way.¹ So while part of our evidence leads us to believe that the sheriffs were not, in this particular field, succeeding in doing all that was expected of them, we do have good reason to say that the work they did was not wholly negative. It is true that in some cases the amount of successful recovery appears to have been minimal. Edward Scott for example seized lands valued at £19. The writ which authorised this action had been drawn up in order to gather thousands of pounds from many men, but Scott's seizures were made on two of them only. His return was indeed one of those which drew a threat of amerciamment from the barons of the exchequer.² But collecting debts in this way was bound to be a slow business and, on similar occasions, the sheriff probably did as much as he could: to cite several examples, seizures were made towards regaining individual sums of £1000, £300, and 'various great sums of money'.³ There is at least one case moreover, in which we can see signs of a deliberately conscientious under-sheriff

1. PRO E 143/box 42; box 32(V.Dyer & Sidney); see boxes 37 (G.Fane), 42(Dallison, 3 writs), 44(Dallison & Gilbourne) for positive returns.

2. PRO E 143/box 44.

3. PRO E 143/boxes 32(J.Hales), 42(Dallison & E.Hales).

working to compensate for the inadequacies of his initial return. James Mascall, who was deputy to James Hales in 1586-87, had seized lands to the value of £5 on the basis of a declaration from his jury, but he wrote a note on the return saying that, subsequent to the verdict, he had been told by persons of 'good reckoning' that there was another lease about which the jury had been ignorant,

'... whereof, in dischardge of my dewtye, I thought good to advertyce the barons of this honorable courte'.

1

It must be admitted that the exchequer's attempts to recover debts on the basis of these writs were not altogether successful: they were thwarted to some extent, willingly or unwillingly by the shrievalty. But this inefficiency was not exceptional to the fieri facias: there is evidence of a similar degree of negative execution in other areas, on writs which were not concerned with gathering debts for the government. It is possible to form some idea, albeit a limited one, of how far the sheriff was successful in his work for the justice of the peace by studying the endorsements on those writs sent to him in their name.² A large proportion of these were capias, calling for the arrest of named parties, or venire facias, which entailed warning persons to appear

1. PRO E 143/box 32.

2. KRO QM/Writs, 1590-1710.

for jury service, or to answer charges made against them. By and large, those venire facias which summoned juries were executed successfully, and the panels are attached to the returned writ in some cases. Otherwise, the venire facias and capias endorsements tell the same story we have seen in studying the fieri facias returns: frequently, the party named in the writ was said to be without goods (nihil habet in mea balliva), or not found (non inventus est). The majority of about twenty of the writs Michael Sandes received in his second term of office in 1593-94 were capias, and though some of the men named in several of them were arrested, another seven carry the endorsement non est inventus. Nihil habet appears on two of the three venire facias in this batch. Many more writs have survived for his immediate successor, Edward Wotton, but broadly speaking the endorsements fall into the same pattern: in some cases arrests had been made, but many more of those named in the capias had not been found, while few of those against whom venire facias had been issued had goods in the bailliwick by which they could be attached. As often as not, when a fairly substantial number of writs remain for any one sheriff their endorsements give a similar impression of the degree of efficiency of the shrievalty.¹

1. See Manwood (1602-03), Hales (1608-09), Dallison (1611-12) including about 20 writs to Dallison which bear no endorsement at all.

But these endorsements need further consideration. Taking 'non inventus est' first, it must be remembered that many writs came to the sheriff for execution. Moreover, the writs capias which the justices sent out often cited a number of people for arrest within the compass of one writ: once again, the nature, as well as the quantity, of the writs becomes a vital factor in the picture, for it could easily increase the demands made on the shrievalty's time in this way. We should also bear in mind the possibility that many men would take steps to avoid the execution of a writ against them. In some cases this could be achieved by evading the visit of the executing officer to the place where they would normally be expected to be found. On the other hand of course, they might be absent from that place in all innocence. The work of the shrievalty was fraught with many difficulties, and unless we can believe that there was sufficient time to launch a full-scale search for each party named in the writs, then we must accept that the problem of finding defendants was enormous. The existence of the non inventus est endorsement is neither surprising, nor necessarily evidence of a false, or unenthusiastic, execution.

Secondly, those who were named in writs venire facias merely received notice from the sheriff to appear in court;

but in addition to this, the sheriff was also bound to render information which would help to determine what sort of writ should be issued next if they failed to appear. If they were 'sufficient', that is to say, had goods and chattels in the bailliwick, then they could be distrained to appear through these goods on the basis of a distringas. But if they had no goods, they must be produced in court by attachment of the body (capias).¹ Thus a venire facias on which the sheriff declared the party to have no goods, need not be evidence of inadequate performance of duty: on the contrary, the person may have been warned to appear, in accordance with the instructions of the writ. If he then failed to appear, the justices had information supplied them by the sheriff which would lead them to issue a writ capias rather than a writ of another sort.

Our survey of the endorsements on fieri facias and quarter sessions writs, suggests that there were many people in the county who had no goods which could be taken in legal process of execution. It is tempting to imagine that returns of this kind were often false, and indeed we have noted occasions on which this charge was brought against the sheriff by the court of exchequer which believed that persons did in fact have possessions which could be used toward execution. But it is worth noting one or two factors which made the sheriff's position a difficult one

1. Dalton, p.160.

when he came to deal with the personal property of the king's subjects. In the first place, an attachment by goods was often likely to be a tedious undertaking, for the sheriff's man must return the 'certainty' of the goods, that is to say, a detailed itemised list, together with the value of the goods. Apart from this, the operation of the writ of attachment, as of all others, was limited by laws on many sides, and certain sorts of goods could not be attached. 'And therefore', says Dalton, 'the sheriff and his officers are to be well advised by what goods they do attach man, scilicet, whether they be the proper goods of the party attached ...' Another problem, intimately connected with this, was that of knowing in whom possession of the property actually rested:

'...they at their peril ought to take knowledge to whom the property of the goods doth belong.' 1

The same difficulty was of course inherent in the fieri facias.

'The sherife had neede to bee very carefull how ... he doth execute this writ, least hee burne his fingers; for if the goods or leases which hee taketh in execution bee not the defendants owne goods or leases ... then the sherife is a trespasser to the owner of goods, and is liable for damages ...' 2

He must take care that the defendant was not simply enjoying the use of the goods. Dalton emphasised that the

1. Dalton, pp.208,155.

2. Wilkinson, op.cit., fos.72b-73a.

safest course was to enquire by jury, for ownership of goods 'being found by the jury, that excuseth the sheriff'.¹

In view of these circumstances, if there was some doubt about a man's property, it might easily appear to be the line of least resistance, and danger, to make a return to the effect that he had no goods or chattels. But the under-sheriff who wrote to Burghley in 1588 suggested the existence of other factors which hindered the efficiency of the shrievalty. As the shrieval year progressed, the 'ignorant' under-sheriff had time to gain some experience of his county, and by the time of the long vacation, he was beginning to be afraid of being fined for false and insufficient return of writs. Hence he made an effort to deal with exchequer process.

'... with all his power he summonethe juries and they appeare. He chardgeth them with the inquirie, but they, being better acquainted with that inquirie than he is with chardginge of them, and beinge advised by the crafty bailiffs, will never fynde anythinge more than the sheriffe of his owne knowledge will swere unto them is to be founde, who beinge in the countie unacquainted, cannot so muche as gess probablie at the dwellinge of the parti for whose goods or lands manye tymes the inquirie is made ...'

One of the main theoretical strengths of the system of inquiry by jury - the communication of information by men with particular and personal knowledge of a neighbour - has thus disappeared: the under-sheriff has become the

1. Dalton, p.146.

2. BM Lansd.57,fo.17b.

victim of his inferior officers.¹

Even though it is difficult to form an accurate idea of how well the sheriff or his deputy worked, there can be no doubt about the role he was expected to play at this time. One point, above all others, which the quarter sessions material confirms with abundant clarity is that the sheriff operated at the behest of the justices. He made arrangements to bring them together in order to exercise their peace-keeping functions in the general sessions. But he also called the grand jury for inquiring into crimes, and the petty juries for trying them; while the attendance of those suspected of disturbing the peace was secured by his intervention. Thus having brought the sessions into being, he provided the wherewithal for them to work. All this was done on the basis of writs of various kinds, and the sheriff's role was one of acting as a link between the law, as represented by the justice of the peace, and the subject. And although he had nothing to do with the organisation of the central courts, his obligation to execute their instructions in the form of writs meant that he was their servant too. From their point of view, the scire facias and capias were of fundamental importance, because they

1. Wilkinson, op.cit., fo.76a, develops a similar argument, and says that the bailiffs blocked process by declaring falsely that men had died or were not to be found.

were the means whereby the sheriff brought in men against whom charges had been made from his own county. All in all, the shrievalty was an essential part of the apparatus of peace-keeping and general law enforcement, both on a local level and at Westminster. Apart from this the crown used the writ to make the institution an agency for the collection of financial arrears, while a writ out of chancery allowed a private person to use it to the same end.

It would be surprising in all this if an element of corruption, or inefficiency, did not sometimes detract from the integrity and efficiency of the sheriff's execution of legal process. Nonetheless, we have examined a number of other factors which might explain why immediate and absolute efficiency was unlikely to be achieved, without having to postulate the existence of positive dishonesty on the sheriff's, or his deputy's, part. There are grounds for believing that the amount of work which resulted from the shrievalty's involvement with writs was considerable, and that it would consequently be wrong to think of it as being inactive and moribund in contrast to an active commission of the peace. Some contemporaries, interested parties it is true, argued that the work was so heavy that there was little prospect of thorough performance of duties. But apart from the question of

the sheer bulk of the task, there were many practical limitations upon the sheriff in terms of what he might legally do in execution. Moreover, the nature of a return to a writ depended, very often, upon the word of men other than the superior officer of the shrievalty: the circumstances under which he worked could easily conspire against an honest and zealous inclination to serve efficiently.

CHAPTER 8

Sheriffs' Fines

The task of executing a mass of writs was a complicated one, but if in dealing with them the sheriff failed to exercise his duties in the correct manner, he was liable to incur disciplinary action, often in the form of a fine. There is plenty of evidence that the sheriff of Kent was being fined in this period; and it suggests that the man who found himself with a fine, or fines, to pay was by no means an exception, that delinquency of this sort was quite common to the shrievalty as a whole.

Surviving material does not necessarily indicate that the Crown's subjects brought action against the sheriff on any great scale. The Star Chamber records for the period were searched through, but an overwhelming majority of 250 cases investigated were concerned with the men as local residents rather than as officers of the Crown: the suits were mainly the result of land disputes between neighbours. Similarly, most of the cases brought into the Court of Requests were not concerned with the sheriffwick.¹ This apparent rarity of proceedings against the sheriff is reflected on a broader basis in a Harleian manuscript which is a collection of extracts from Star Chamber suits,

1. For action against under-sheriffs in Requests see chapter on under-sheriffs.

mainly but not wholly in the reign of Elizabeth.¹ It is true that a small handful of the cases recorded here do involve action against sheriffs, but they cover a good proportion of the sixteenth century, they concern the whole country and they represent only a small fraction of the total number of cases included in the document. Fortunately however, the Court's decision in a case involving a sheriff of Kent is recorded, and it is of great importance for an appraisal of the man and for the government's reaction to his established guilt.

Thomas Willoughby of Bore Place, a few miles west of Tonbridge, had already served in the office in 1573/74 when he was appointed for a second term in 1590. Between these dates he had done further service for the Crown in the county, as a justice of the quorum, as one commissioned with Lord Cobham to investigate accusations that Sir Christopher Allen's household was 'papistical', and as a captain of trained footmen in 1588.² But he had also been involved in a number of complicated cases in Star Chamber and Requests which hinged in part upon the fact that he and some of his tenants had differing notions about the nature of the leases which linked them together. He was charged with forcibly ejecting Sir John Rivers from a messuage in Ford Place, Penshurst, and holding it

1. BM Harl. 2143.

2. PRO SP 12/121 & BM Lansd. 737, fos. 141b-143b; SP12/182/26 & CSPD 1581-90, pp. 267-69; SP12/208/25.

by arms for nine days.¹ A further case appears to be connected with this, and involved an attack by a Richard Rivers on one Humphrey Jennett, one of those in occupation of Ford Place. Rivers claimed that he had been sent by a justice to remove the 'force there kept', and that Jennett had resisted arrest and attempted escape. Willoughby stood accused of securing the return of a jury favourable to Jennett in the subsequent action which had ended in the awarding of £40 damages against Rivers.² In a third case he was alleged to have deprived widow Agnes Figg of the rightful possession of five acres of land in Chiddingstone and the house built upon them. There was no protection against Willoughby, Figg claimed, for he was 'of great wealth and greatly frinded and countenanced in the said shire'.³ It is significant that in all these actions, Willoughby was the defendant and never the plaintive, and this was again the case when he was once more brought into Star Chamber in November 1595. His adversary this time was Robert Goldsmith, another tenant, who complained that on a number of occasions since 1592 Willoughby, a man of 'greate mighte', had assembled riotous persons and cut wood and grass from his land. At one point one of Willoughby's men had attacked his protesting and pregnant wife with a staff, and now the

1. PRO St.Ch.5/R39/18 & R28/10, Feb.1576.

2. PRO Req. 2/264/26, Nov.1582.

3. PRO Req. 2/204/44, Nov.1579 - for a fourth case see Req. 2/276/43, Jan.1579.

crowning insult was that Willoughby had led more than forty of his cattle into Goldsmith's pasture and cut more timber.¹

Set against this background, the nature of the charges brought against Willoughby as sheriff was not drastically different. Soon after his term of office he was before Star Chamber again, to answer accusations made by a Thomas Jordan, an ordinary yeoman warden of the Tower of London.² Jordan had been accused of pig- and sheep-stealing during Willoughby's shrievalty, and there was also some question of bringing him to account on a charge of rape. A writ had been obtained for his arrest by the sheriff. The burden of his complaint was that Willoughby had not allowed him to see a justice and had refused him bail, committing him instead straight to Maidstone gaol. Willoughby then claimed to have a warrant for his transfer to Canterbury where he would stand trial on the rape charge at the Assizes. The warrant was not shown to anyone. With Jordan out of the way, Willoughby had gone to his house, broken in and taken goods, and he then used the threat of the Assizes action in order to intimidate Jordan's friends into paying money over to him. In return he promised to secure a stay in the process which would have taken Jordan to Canterbury.

The material which survives for this case is far from

1. PRO St.Ch. 5/G1/20.

2. PRO St.Ch. 5/W12/38 & /J1/1 for depositions to interrogatories upon which this account of the case is based.

complete: it is nonetheless full of complexity, charge and counter-charge. Willoughby naturally took up a position of virtuous innocence. He had not broken into Jordan's house, because he had been let in by his mother. He admitted that some cupboards had been accidentally broken by his men, but denied that they had taken goods away unlawfully: he had impounded them and made an inventory in the presence of a justice so that Jordan might be induced to answer the charges at law. At no point had he claimed to have a warrant for Jordan's removal to Canterbury; he had turned down offers of money which Jordan's friends had made to him to prevent the execution of an anticipated warrant; and he had not suggested that anyone should pay him money, nor yet uttered words he was alleged to have used, to the effect that if he had been given money sooner, Jordan would not have found himself in his present sorry state. On the other hand Jordan's mother stated that she had let Willoughby and his men in simply because it was obvious that if she did not do so then an entry would be forced, and other evidence given on Jordan's behalf against Willoughby seems strong.¹

In any event the court upheld the substance of Jordan's charges² and the judgement given throws a little more

1. PRO St.Ch.7/13/6; for other material in this case see St.Ch. 5/W12/38 & St.Ch. 5/J11/9.

2. BM Harl. 2143, fo.62a.

light on the details of the case:

'... some of the plaintive's freinds, fearinge and understanding least the defendant would cause the plaintive to be tryed att the next assizes for the said rape, they labored the defendant to deferr the same, and to that end they offered him £20 which he covertly refusing his wife received it to his use. And the defendant, to woorke his further benefitt att the assizes, retorned a jurie for tryall of the plaintive who were partiall...'

He then received more money to secure another jury who would acquit Jordan. Willoughby was found guilty of riot, forcible entry, bribery, corruption and 'other misdemeanours'. He was fined £200, put into the Fleet prison and out of the commission of the peace.

The Court prescribed severe action against sheriff Thomas Willoughby because it considered that he had abused his official capacity in a number of fundamental ways, but the most readily available evidence shows that the sheriffs as a whole were being fined regularly and heavily by the government for neglect of duties. The principal agents were the Court of Wards and the Barons of the Exchequer, but they were not left untouched by other bodies: an indication of the state of affairs may be obtained by consulting lists of fines imposed in the Courts which were drawn up for the Exchequer.¹ They are significant in that they demonstrate that the sheriff could fall foul of King's Bench and Common Pleas and be fined for

1. PRO E 101: Exchequer, Accounts Various.

unsatisfactory performance of his duties. The most common complaint was that he had failed to produce a defendant to answer the plaintive's accusation in a private suit, even though he had received a writ of capias directing him to arrest the man and have him in court on a certain day. Thomas Willoughby thus incurred a penalty of £2 for not securing the attendance of Roger Dugdale to answer the suit of John Parker.¹ But Willoughby was not the only sheriff to be fined in this way, either in the county or the country, and indeed £2 seems to have been a standard rate for this sort of offence, both in Common Pleas and King's Bench.²

As far as the Court of Wards is concerned, there is some reason to believe that the court officials generally assumed that they would have to find^e sheriffs. Among the Court's records is a book containing a series of fines on sheriffs over the period 1580 to 1603.³ It is a virtually complete list of the sheriffs for all the counties during those years, and after a slightly irregular start, the book becomes arranged on more settled lines, the counties appearing in a set order for each

1. E 101/109/16, mem. 12b.

2. E 101/109/13(21-2 Eliz.) for a number of £2 fines on sheriffs; /109/16, mem. 2a for W. Sedley; /110/1, mem. 13a for S. Lennard; /110/2 for sheriffs 15 James; /113/7, mem. 20a for M. Finch; /113/8, mem. 21a for T. Kemp; /113/9 (3 Chas. 1) for sheriffs, though some only fined 10/-.

3. PRO Wards 9/233.

regnal year. Alongside the sheriff's name his fine is recorded together with a brief account as to why it was imposed. The existence of 'nil' returns against the names of Richard Baker, Samson Lennard and Moyle Finch seems to indicate that the names were inserted in anticipation of fines which, in most cases, did in fact materialise.

Information about how the sheriff was fined by the Barons of the Exchequer is taken originally from those twelve pipe rolls which were used as samples for studying the nature of the financial demands the Crown was making upon him.¹ Because these entries were often carried over from roll to roll more than one sheriff's fine may appear on one pipe roll, and in this way a rather more extensive survey in terms of numbers has been possible. What is of most interest however is the history of an individual fine, from the moment it was imposed, to the point at which the sheriff was no longer charged with it. The statement of the fact of the fine is accompanied on the roll by two references: one to the place where ^{it} was last recorded, or originated, and the other to the roll where the sheriff answers for it and is discharged of his debt. In this way a fine usually appears on several pipe rolls, but ultimately memoranda rolls should be cited, and it is here that the process leading to the imposition

1. PRO E 372/426-8, /446-51, /468-70.

and the discharge of the penalty may be found.

The most striking aspect of those fines which were imposed in Wards and Exchequer is their frequency. The Wards book is a catalogue of the sheriffs for the period, with the exception of Thomas Scott, whose name does not appear: there is a blank in the manuscript where it should have been however. Thus for the 24 years covered, 23 names occur, and against all but three or four of them¹ fines have been entered. The evidence for James' reign is not so readily available, but a list for the years 1604 to 1609 is likewise full, giving details of fines on all six of the sheriffs in that period from Thomas Baker to William Withens.² Later, Beswick and Livesey were also fined by the Court.³ Nor will the evidence from the Exchequer support the view that a sheriff's fine was a rare and isolated phenomenon. The names of slightly less than half (20) of the sheriffs appear on the twelve pipe rolls used as starting points for the investigation of Exchequer fines, and they are almost equally distributed over the two halves of the period. Taken all in all then, there is evidence of fines being imposed on the great majority of the men who served as sheriffs in this period.

Generally speaking they were fined because it was considered that they had failed as servants of the Crown:

1. Manuscript not clear.

2. PRO Wards 9/625.

3. PRO Wards 9/414, fo. 117b. (Rec. Gen's accounts).

they had not been as energetic and thoroughly impartial as they ought in the execution of instructions directed to them from the central government. By and large, these instructions, embodied in the form of a writ for the sheriff's execution, instructed him to take steps leading to the realisation of sums of money outstanding to the Exchequer. Offences which gave rise to the fines became classified under one or two fairly regular formulae, such as 'for his untrue and insufficient return of the Queen's majesty's process',¹ or for 'false return' or because 'he did not respond for issues of lands in the hands of the Queen'.² In an earlier sheriffs' book among the Wards' records the reason for the fine is often set out in greater detail: the most common shortcoming on the sheriff's part was his endorsing writs 'non inventus est' when the court believed the person specified in the writ had in fact been resident within the bailliwick at the relevant time. Another frequent complaint was that sheriffs had failed to arrest a man on a writ of capias in order to bring him to Court for examination.³

A more precise notion of the reaction to the sheriff's failure to carry out instructions emerges from the record of the imposition of the fine in Exchequer. Action might be taken because a writ had been returned as it had been

1. PRO Wards 9/233, passim.

2. PRO E372/446, Item Kancia, (fine of M. Sandes), Adhuc Item Kancia for Barnham fine.

3. PRO Wards 9/247, passim.

issued: 'white and completely unendorsed or executed' (album et minime indorsatum nec executatum);¹ because the Court did not believe in the non inventus est endorsement;² because the sheriff had failed to produce men at Court, or because he had not paid in the issues arising from an execution of a writ.³ Even if the Court believed the sheriff's plea that he had tried to make execution and had succeeded at least in part, he might yet be fined if it was thought that he had not done all that was in his power. One of the writs directed to Michael Sandes (1593/94) instructed him to attach Walter Taylor, a collector of the fifteenth and tenth in the Lathe of Aylesford, because he had not come to the Exchequer on the appointed day to render his account. Sandes returned that Taylor was not in his bailiwick at the time of execution, but that in accordance with the further instructions of the writ, he had seized Taylor's property to the value of £30.⁴ Thus the sheriff had taken action which could have led to the eventual recovery of Taylor's debt to the Exchequer, but this did not satisfy the Barons. In their opinion the return was partial to Taylor's interests and would slow down the process whereby he would have to account for the Crown's

1. e.g. G. Harte on PRO E368/426, Hil. recorda, rot. 117; T. Fane on E368/421, Mich. rec., rot. 151.

2. PRO E368/427, Easter, rec., rot. 137 (Harte); E368/416, Easter, rec., rot. 255 (Barnham).

3. PRO E159/428, Mich. rec., rot. 269 (Scott, T.); E159/428, Easter, rec., rot. 196 (Baker, T.).

4. PRO E159/407, Mich. rec., rot. 396.

revenue: they had evidence that he had been within Sandes' territory at the time, and that the sheriff had not seized all the property he might have done. Accordingly they fined him £5. More than 20 years later Edwin Sandys (1615/16) incurred a £40 fine because his execution of process had not been sufficiently zealous: he had been instructed to seize goods, chattels, lands and tenements from those named in his writ in order to account for money outstanding to the Exchequer, and if their property did not cover the respective amounts they owed, they were to be attached and imprisoned. Sandys' return stated that the parties involved did not possess anything which could be seized to satisfy their debts, and the Barons do not appear to have quarrelled with this. Nevertheless they thought that Sandys had been guilty of negligence, because he had made no attempt to arrest the men, and his return was therefore judged to be false. To another writ calling for the arrest of a number of persons, Sandys made return that he had arrested 'Robert Miller and others named in the schedule', but that the rest had not been found. On this occasion he was fined £10 because he failed to produce at Court those he had arrested.¹

A large number of fines were imposed partly on the basis of information submitted by persons who claimed

1. PRO E159/450, Easter, rec., rots. 181-82.

to be qualified to overthrow the substance of the sheriff's endorsements. It was because of what these 'trustworthy men' (fidedigni) told the court about Walter Taylor's presence in Kent, and the extent of his property there, at the time of the writ against him, that the Barons fined sheriff Michael Sandes.¹ Evidence of this sort convinced the Court that the sheriff was frustrating the legitimate demands of the Exchequer for the sake of local interests. The fine was a retaliation to laxity, inefficiency, and even deliberate non-performance of duty: it was meant to curb and counteract a situation where writs were commonly returned 'to the contempt and wronging of the Queen and to the derision of the Court'.

The level of fines varied considerably. In the Court of Wards they range from £6 13 4 to £100: £10 and £20 seem to have been the most favoured rates of punishment, but an amerciament of £40 was by no means rare. Justinian Champneys (£50) and Robert Edolphe (£100) incurred more than the usual amount of displeasure for insufficient and negligent return of process respectively,² but the exact determinants of the amounts of the fines are not apparent: most probably the levels fluctuated with the sums involved

1. See also PRO E 159/383, Mich., rec., rots. 164-65 for Harte; E159/428 Easter, rec., rot. 196 for T. Baker; E159/451, Mich., rec., rots. 466-67 for E. Sandys.

2. PRO Wards 9/233, 26El.; /625, 6 Jas.

in each writ, and with the Court's assessment of how much or little effort had been put into its execution. Similarly the fines which the Barons of the Exchequer imposed range widely, from £1 to £66 13 4 for a single transgression,¹ though again it is not immediately apparent what factors determine the amounts. By far the most common rates were £2, £5 and £10: Thomas Fane was fined £2 for making a return favourable to a party owing £45 4 10,² yet George Harte was penalised ~~to~~ £5 for a similar offence involving only £29 12 3. On the other hand the Court fined him £10 for an unexecuted writ concerning a debt to the Crown of £209 6 6.³ Rates of £20, £30 and £40 were not uncommon and Harte incurred a number of these heavier fines for his action on writs directed against other officers of revenue in the county, the collectors of subsidies and fifteenths and tenths.⁴

The financial punishment distributed by the Exchequer could be a relatively light one, especially if the sheriff was only fined once by the Court. Michael Sandes' prejudiced return on Taylor seems to have been his only error as far as the Barons were concerned, and on the face of it, only cost him £5, while Thomas Palmer, Roger

1. Both of these on Edwin Sandys, PRO E159/451, Mich., rec., rot. 466 & /450, Easter, rec., rot. 215.

2. PRO E368/421, Mich., rec., rot. 151.

3. PRO E368/429, Mich., rec., rots. 1, 4.

4. PRO E159/382, Hil., rec., rots. 172, 216; Easter, rec., rot. 191; E159/383, Mich., rec., rots. 164-65.

Twisden, Norton Knatchbull and Nicholas Gilbourne each appear charged with one fine of £10 for defective returns.¹ But sometimes the Exchequer imposed a number of them, and others could be incurred elsewhere. If his errors were small ones he could still escape with moderate punishment, as did Thomas Scott (1601/02) and Antony Aucher (1613/14) whose totalled fines for three offences were only £17 and £12 respectively.² Yet a whole series of minor mistakes, or one or two major ones, could produce totals which made the sheriff's position look unhappy. For six defective returns Martin Barnham ran up a total of £61. William Beswick committed a minor offence when he failed to pay in issues of seized lands: for this he was fined £1. His major failing lay in an inadequate execution of a fieri Facias on a number of men owing more than £4000 to the Crown, and for this the Barons prescribed a penalty of £40.³

Two cases of exceptionally heavy fines, one under Elizabeth and one under James, call for special attention; for on the one hand they demonstrate how attentive the Exchequer could be to the task of ensuring efficient performance of shrieval duties, yet on the other hand

1. PRO E159/411, Mich., rec., rot. 543; E372/449, Item Kanc.; E159/432, Easter, rec., rot. 250; E372/469, Res. Kanc.

2. PRO E159/423, Mich., rec., rot. 269; E372/464, Item Kanc.

3. PRO E159/416, Easter, rec., rots. 231, 255; /417, Mich., rec., rots. 269, 292, 268; E159/453, Mich., rec., rots. 173-74.

they show with equal clarity that fines were not commonly paid at the level of imposition.

During his term of office from 21 November 1581 to 4 December 1582, George Harte of Lullingstone was fined £2 for his contempt of the Exchequer Court. The Barons had wanted him to come up for the 'examination of the returns' of an ex-sheriff, Thomas Wotton (1578/79). His failure to attend constituted his offence on this occasion; but in addition he was responsible for returning no less than 11 writs in a way which the Barons considered to be inadequate, and favourable to the parties against whom they had been directed. Thus he had not succeeded in levying the £182 8 6 Wotton still owed from his shrieval account, and he had omitted to do all he might to secure sums outstanding from tax collectors and the bailiffs of men such as the Archbishop of Canterbury who held liberties within the county. Four separate writs had been issued against John Cobham, collector of the subsidy in the Lathe of Aylesford, but Harte had returned non inventus est on all of them. He had seized some land towards recovery of Cobham's debt, but 'trustworthy men' had given evidence that in both these aspects of his returns the sheriff had acted partially for Cobham. For these four offences alone he was fined a total of

£66 13 4., and the sum of his 12 fines was £158 13 4.¹

Harte was thus punished heavily for a dozen misdemeanours, but Edwin Sandys (1615/16) had to pay, on paper at least, an even greater price for only eight errors: he was fined a total of £199 13 4. Three of these were small (£1, £2 and £10), imposed for his failure to produce men and money at the Exchequer at appointed times. But his major offences arose from his partiality and negligence in the execution of process against a number of men who between them owed considerable sums to the Crown.² On one fieri facias in particular, Sandys had made a return which set out the reasons why he had not been able to recover any of the money specified in the writ. His juries of inquisition could not find goods or chattels of men named in the writ; they were not to be found in the bailliwick; some were resident within the liberty of the Cinque Ports and therefore beyond Sandys' jurisdiction; some were dead, and their executors had no property on which the debts could be levied. But the evidence of fidedigni prevailed against all this and Sandys was fined £40 for his 'grave deceit and wronging of the King'.³

It seems it was not uncommon for a sheriff to be fined, and his fines could be substantial. But the

1. PRO E368/426, Hil., rec., rot. 117; /427, Easter, rec., rot. 137; /429, Mich., rec., rots. 1, 4; E159/382, Hil., rec., rots. 172, 216; /383, Mich., rec., rots. 133, 164-65.

2. See above for a £66 13 4 fine.

3. PRO E159/450, Easter, rec., rots. 181-82, 215; /451, Mich., rec., rots. 466-67.

evidence contradicts the view that they were necessarily a source of financial hardship to him, for many were ultimately mitigated, or compounded, to a mere fraction of their former size. Thus on the one hand there is the evidence for a keen and harsh discipline being exercised by the central courts concerned with securing the flow of revenue from the locality to the centre; but on the other hand there is also abundant indication that these same courts were prepared to relax their punitive hold so that a heavy fine might be reduced to a mere token, or completely expunged from the record. The total of the fines on the sheriffs of Kent in the Court of Wards for the period 1580 to 1603 is more than £350. In many cases the under-sheriff came to the Court and was examined on the reasons for the fine: following this the fine was usually reduced or cancelled, so much so that the total of the fines eventually levied was only £21 6 8, less than 6% of the original sum. Thomas Fane was completely discharged of his substantial £20 penalty,¹ and Justinian Champneys' heavy £50 fine became £1 13 4.² In the two Exchequer cases discussed above, Harte's and Sandys' huge fines were reduced to a shadow of their former size: Harte's to £5 3 4 (about

1. PRO Wards 9/233, 22Eliz.

2. PRO Wards 9/233, 26Eliz.

3% of £158 13 4), and Sandys' to £10 (2% of £199 13 4).¹ Where the history of other fines in Exchequer has been traced this overall picture has been confirmed. Thomas Fane, Michael Sandes and Antony Aucher were all excused their debts of £4, £5 and £12 respectively.² Thomas Palmer paid only 10% of his £10, as did Roger Twisden and Norton Knatchbull, while Martin Barnham was relieved of all but £2 of his fines which had totalled £62.³ All in all then, there is a good deal of evidence which suggests that along with the frequent and sometimes very heavy imposition of fines in Wards and Exchequer came frequent and extensive exonerations: in fact the level of exoneration in most cases was between 90% and 100%. An ostensibly heavy fine need not bite deeply, if indeed it bit at all.

A number of circumstances combined to produce this state of affairs. In the Court of Wards, most mitigations arose from an examination of the under-sheriff, but beyond this explanation of the mechanism of the compounding of the fine, real reasons for its reduction are rarely given. Martin Barnham's fine was cut to only one tenth of its former size because he had paid in the issues originally

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1. PRO E368/527, Trin., rec., rot. 265; E159/382, Hil., rec., rots. 172, 216, Trin., rec., rot. 191; E159/383, Mich., rec., rots. 164-65, Trin., rec., rot. 133; E372/429, Res. Kanc. (Harte); E368/589, Trin., rec., rot. 285 (Sandys).
 2. PRO E372/429, Res. Kanc. post Civ. Cant.; E372/446, Item Kanc.; E372/464, Item Kanc.
 3. PRO E372/462, Item Kanc.; E368/523, Easter, rec., rot. 86; E368/614, Mich., rec., rot. 74; E159/435, Mich., rec., rot. 431.

due from him; Peter Manwood made successful appeal to the fact that Elizabeth had died during his shrievalty, and that his authority to execute process had consequently died with her: he had no warrant to follow up writs already in his hands.¹ But information for the procedure in Exchequer is fuller and allows of a better understanding of the phenomenon. In the first place, the sheriff or his representative would come to the Court and swear that due diligence had been exercised in the execution of the writs which had originally come to him.² This then was a direct refutation of the evidence of trustworthy men which had been brought to the Court's attention and on the basis of which the sheriff had been initially condemned. The Barons were assured that had they been acquainted with this in the beginning they would never have seen fit to impose the fine. Secondly, smaller fines were commonly discharged completely under the general pardons which had relieved the sheriff himself of the responsibility of collecting minor fines which other people in his county had incurred in the courts. In this way four of Harte's fines, totalling only £22, were lifted.³

1. PRO Wards 9/233, 41Eliz. and 1Jas.

2. See for example William Fanshawe pleading for Martin Barnham, PRO E159/435, Mich., rec., rot. 431.

3. PRO E372/429, Res. Kanc.; also Res. Kanc. post Civit. Cant. for T. Fane, E159/423, Mich., rec., rot. 269 for T. Scott, E372/464, Item Kanc. for Aucher; see chapter on pipe roll accounts for general pardons.

But an overall consideration making for the mitigation of heavier fines was that the Court had, or would have, satisfaction for the money which had in the first place been outstanding to it. The sheriff had been fined because of his failure to guarantee, by the due execution of a writ, that debts to the Crown would be honoured. If in the meantime those debts had been paid, or at least secured, then the raison d'etre for his fine disappeared, and so the fine might logically disappear too. This was the feeling shared by all parties concerned, the Crown, the Barons and the sheriff: in a number of cases where exoneration from the burden of fines was sought, reference was made to a privy seal writ which embodied this very concept. On the basis of this writ the Treasurer, Chancellor, Sub-treasurer and Barons were authorised to exercise discretion and equity where petitioners sought relief from penalties they had incurred through the faulty execution of process, provided the Crown had first of all been satisfied of monies concerned.¹ Because it could be shown that bailiffs and collectors had accounted fully to the Exchequer and had been quit, Harte was exonerated of the

1. PRO E368/527, Trin., rec., rot.265(Harte); E159/435, Mich., rec., rot.431(Barnham); E368/615, Trin., rec., rot.174 (Edolphe); E368/589, Trin., rec., rot.285(Sandys).

bulk of his eight larger fines.¹ In each case he was asked merely to pay a small proportion of the fine - 10/- of £10, or £1 of £40 - by way of composition (per viam compositionis). The exoneration of Edwin Sandys' fines is not so fully recorded on the memoranda rolls, but clearly the same principle was at work. Composition on seven of his fines - the eighth was a small £1 fine - was made at one session before the Court on the appearance of Sandys himself.² He claimed that he had been quit of his account as sheriff, as indeed had been recorded on the pipe roll, and he cited James' privy seal writ authorising the composition of fines if the King had had satisfactory answers for the money involved. No details are given of how the Court had been assured of this money, but some guarantee or alternative means of attacking the problem must have been forthcoming because Sandys was released of all but £10 of his accumulated debt.

There was good reason for a sheriff to assume that he would never have to pay much of his fines. But it must be emphasised that this was never quite an automatic process. Until the point when composition was actually granted by the Barons, the full extent of the fine hung over the sheriff's head, despite the fact that tax

1. PRO E368/527, Trin., rec., rot. 265; E159/382, Hil., rec., rots. 172, 216, Easter, rec., rot. 191; E159/383, Mich., rec., rots. 164-65, Trin., rec., rot. 133.

2. PRO E368/589, Trin., rec., rot. 285.

collectors had been quit of their charge and the way was thus open to mitigation. It is clear in fact that periods of years between imposition and composition were not rare. Barnham and Sandys each had to wait eight or nine years after their terms of office before they were finally discharged of fines.¹ But this was short in comparison with the period of more than 20 years during which Thomas Palmer owed £10 for a false return.² A sheriff could of course die in these intervals, but he continued to be charged with fine on the pipe roll until his family made response for it. It is not surprising to find that it was their sons who came to the Exchequer and paid for composition of fines imposed on sheriffs Roger Twisden and Robert Edolphe.³ Similarly George Harte's heavy fines remained with him long after his death, even though the tax collectors he had been alleged to favour had accounted fully at the Exchequer within a few years

1. Barnham, sheriff till December, 1599, exonerated in Roll for 6 James (PRO E159/435, Mich., rec., rot. 431); Sandys, sheriff till November, 1616, exonerated in Roll for 21 James (E368/589, Trin., rec., rot. 285).

2. PRO E159/411, Mich., rec., rot. 543; E372/462, Item Kanc. (14 Jas), composition of fine to £1, paid 26 November 1618 and quit.

3. PRO E368/523, Easter, rec., rot. 86: William, son and heir of Roger, to Exchequer 26 May 1606, six years after Twisden's shrievalty; E368/617, Trin., rec., rot. 174: Robert, son and heir of Robert, to Exchequer 14 June 1630 more than 20 years after Edolphe's shrievalty.

of his term of office. His son Percival came and craved exoneration more than twenty years later, and secured the drastic reduction of his later father's debts which has already been noticed. If it is true that fines were not by and large paid, it is also true that they could not be forgotten.

It seems that a sheriff would usually incur a fine of one sort or another, and that he would invariably be punished in this way by the revenue courts of Wards and Exchequer which to some extent were relying on him to ensure the flow of money into the royal coffers. He might be fined more than once, and his resultant debts could be substantial. But in the event more than 10% of the fine was rarely paid, frequently the proportion was less than 5%, and sometimes none of it was paid at all. It was often imposed in the first place because the sheriff had acted wrongly in the return of writs: on the basis of evidence before the Exchequer, the Barons sometimes all but declared that he had simply obstructed due process to the detriment of the Crown's interests for the purpose of advancing those of his fellow 'countrymen'. But the mechanism behind the heavy mitigation of these fines leads to the suspicion that they were being used largely as part of a double insurance policy by the revenue courts. In order to guarantee that much-needed subsidies

for example should reach the Exchequer, a writ was directed to the sheriff instructing him to levy the outstanding money on the property of the parties in question or to arrest them so that they could be asked to account for themselves in person. The efficacy of this guarantee however was closely geared to the thoroughness and honesty of the shrieval staff, and the Barons found all too often that these qualities were in short supply. They were therefore forced back to the fine as their second line of attack. But the understanding seems always to have been present that if in the meantime the collector, or debtor, paid in his revenue, then the major part of the fine on the sheriff would be waived. The Barons often took years to make a decision in this direction, but when they did it could have profound effects in reducing the otherwise heavy and accumulated fines imposed on a Harte or a Sandys. It was not so much the fact that the sheriff had acted negligently or wrongly per se which concerned the Court: if he had made a false return, he would remain guilty of that crime whether the collector paid in his money or not. What really worried the Barons was that the sheriff was not proving himself to be an efficient and thoroughgoing means of disciplining people who held money which rightfully belonged to the Crown.

CHAPTER 9

The Sheriff, the Justice and the
Lord Lieutenant

The work we have so far been discussing undoubtedly occupied a considerable amount of time and energy, but before we conclude our investigation it must be emphasised that the sheriff's activities were not confined to work which he and he alone could undertake. From time to time there was more to be done, and the picture of his responsibilities which emerges is one which, in these additional spheres at least, lacks precise definition: he seems to have been regarded as an officer whose aid could be enlisted for almost any purpose.

The decline and possible disappearance of the tourn was one manifestation of the growth in the importance of the justice; but if the sheriff was superseded in this way, it remains the case that he often co-operated with the justices when they were asked to give their attention to special problems which happened to arise. Sometimes he performed a purely administrative function which we shall see again with regard to military affairs. In 1592 for example, sheriff Samson Lennard helped the custos rotulorum and a small number of justices to summon

a general assembly of the county's justices in order to administer to them their oaths of office as a reminder of their duties. Later in the year, his successor Robert Bing was involved in attempts to ensure the smooth running of the commission for the composition of purveyance, as was Roger Twisden seven years later.¹ Similarly, Thomas Scott was told in 1601 to make sure that all justices had been informed of the need to meet with the commissioners for subsidy for the purpose of assessing one another.² The recurring problem of how to keep the price of grain at a reasonable level was yet another in which the sheriff might play a part. In May 1595 the custos rotulorum, Sir Edward Hoby, was active again, this time with sheriff Edward Wotton, when the privy council decided that the prevalent dearth of corn needed to be mitigated. It was proposed to give the poor the opportunity to buy low priced grain in the market place from the stores which the 'richer sort' had already bought at the higher price, and it was the function of the justices whom Hoby and Wotton summoned to decide how this might be accomplished.³

The sheriff's role in these instances was obviously a long way from being a singularly prominent one: he was

1. APC, xxiii.253-58; Stafford CRO D 593/S/4/10/22 & 23.

2. APC, xxxii.464.

3. Strype, Whitgift (1822), ii.330; BM Ad.33924, fo.16a.

one of a team given a set task to perform. But on the other hand, the work was important in that it dealt with problems which were of fundamental concern to the government, and which had prompted it to dispatch special instructions for their solution. The sheriff stood out to some extent by virtue of being given the responsibility of transmitting these instructions to the county, but on at least two occasions he was vested with something like a superior authority over the justices.

The first was in 1593 when the queen made it known that she was aware of the fact that the corn dearth was the result of the avarice of men taking 'holde of the late unseasonableness of the weather to inhaunce their prices'. She went on to talk of the many places pestered in consequence with needy and idle persons and thieves, so much so that it had become clear that the justices were not executing the laws framed to deal with such problems. The justices were told that 'some accompt of your dooings' would be demanded, and that this would be called for 'at the handes of the shyryfes'. The tone of the whole letter is one of almost helpless annoyance at the justices' laxity: it included, it is true, a threat of punishment for those who were discovered neglecting their duties,¹ but three years later, in October 1600,

1. BM Harl.6846,fos.19a-20b.

the privy council sent a round robin to 38 counties confessing its failure to command obedience to its instructions. It noted the justices' reluctance in executing previous orders for the prevention of engrossing and regrating, explained it in part by the fact that the practices were used by 'some of yourselves who are cheeflie put in trust in the places which you hold to redress the said abuses', and thought that there was thus a necessity for plain dealing when 'wee doe consider howe common a thing it is upon any direction from hence to have little or nothing effected by reason of the parciality in bearing one with another's frendes ...'.¹ Whether or not this plain dealing had the desired effect remains a matter for investigation, but we do at least know that more than twenty years later, in 1623 during George Fane's term of office, the sheriff was again collecting 'certificates' from justices as an assurance that they had done their best to discover hidden stocks of corn and reduce prices, and that they would endeavour to keep next years' prices down, in spite of the smallness of the crop.²

At other times the sheriff was linked with the justices in order to supervise the purchase of 150 beeves for the navy, organising the county's composition

1. APC, xxx, 734-35.

2. PRO SP 14/138/18 & 71.

for purveyance, the provision of poor relief for a Maidstone man wounded in the Low Countries, the prevention of the export of iron ordnance to foreigners and attempts to stamp out a native tobacco industry which had emerged in Kent.¹ Because he was still in theory the principal conservator of the peace in the county, with the power to take posse comitatus to help him, it is also understandable that the council should call upon him from time to time to deal with specific threats to good order. The existence of 'certaine seditious and trayterous books and libells covertly spread and scattered' - presumably 'Leicester's Commonwealth' was among them - disturbed the privy councillors in June 1585, especially since a proclamation dealing with the problem had been put out in the previous October. Michael Sandes, the current sheriff, and the justices were told that they must have been negligent in the execution of this order, and they were charged to be more diligent in the future, since the reputation of the Earl of Leicester among other principal men was being abused.² Nearly forty years later, in 1622, depression in the cloth industry had occasioned those unemployed in consequence to swell the bands of 'leude and vagrant persons' to produce 'tumultuous assemblies'. It was

1. APC, xviii.390-91; xxiii.336; xxiv.293; 1619-21, p.93; 1621-23, pp.31-32.

2. BM Ad.38823, fo.29a & b.

important then that the sheriff and justices impress upon the constables the need to keep the poor within their own parishes and set them to work there.¹

Throughout this period then, there is a considerable degree of activity in co-operation with the justices at the behest of the central government, and a similar relationship emerges with regard to the lord lieutenant and his deputies. It is well known that during the last decades of the sixteenth century, the lord lieutenancy acquired a permanence as a feature of local government in contrast to its previous intermittent existence. In consequence, the sheriff's role in military affairs underwent a formal decline from which it became impossible to recover. The work of Miss Scott Thomson makes it quite clear that there was a high level of activity on the part of the lieutenant and his deputies in these years which were crucial for the safety of the realm. But it is also clear that within the framework of this new military command which was consolidating under the pressure of danger from abroad, there remained a certain degree of flexibility: as yet it had not been set down precisely who might or might not be involved. Indeed there is enough evidence to show that the sheriff of Kent did have some military responsibilities when the need arose, and that on occasion these were of considerable importance.

1. APC '21-3, pp.224-25.

At times he seems to have done little more than act as a messenger to those who were actively engaged in ensuring a state of military preparedness. In a letter to Walsingham, dated 26 August 1584, Sir James Hales reported a meeting of the commissioners for musters who appear to have been 'warned' of the need to gather for discussion by the sheriff Justinian Champneys;¹ and in 1588 sheriff John Fineux was instructed to inform the lord lieutenant of the impending arrival of Sir John Norris for troop inspection. He should arrange a time and a place for their meeting and instruct the lieutenant in the name of the privy council that he must see Norris.² On the other hand, the sheriff could be more intimately concerned with the organisation of the forces themselves. It has already been seen in an earlier chapter that Champneys became a commissioner while sheriff, and in April 1584 he was told that he and the other commissioners should meet 'the partye that shalbe sent down as muster master'.³ In another part of Hales' letter we learn that they had gathered at Maidstone and decided how Kent's 2500 soldiers were to be allocated for command among the county's knights and esquires. To Champneys' successor Michael Sandes, serving for the first time in 1584-85, the privy

1. PRO SP 12/172/99.

2. APC, xvi.20-21.

3. 'The Sheriffs as Governors'; PRO SP 12/170/59.

council gave the important job of searching out the recusants in Kent to guarantee that they would supply the light horses with which they were charged.¹

At several points in the 1590's the sheriff may be seen levying troops for service himself, and thus taking on, outwardly at least, something of his old role as commander. This was true for Thomas Willoughby in 1591 and Robert Bing in 1593.² Four years later, during Moyle Finch's shrievalty, he was instructed to raise 600 men independently of the commissioners themselves, who were only charged with 450.³ But the circumstances under which such activity occurred make it clear that, however important it might be, it was either closely supervised by other officials in the county, or merely a temporary expedient.

John Leveson, a deputy lieutenant of some considerable standing, was responsible for issuing the word of command to sheriffs Willoughby and Bing; their work was not general to the county as far as we can see, but was confined to their own particular lathe within Kent, and they were but single members of a larger group of

1. PRO SP 12/183/40.

2. KRO U 1000/3/05/42; his successor (Lennard) was also probably involved since the instructions came to Willoughby only two days before his term of office ended on 15 Nov., 1593; G. Scott Thomson, op.cit., p. 93.

3. CSPD '95-97, p. 400; APC, xxvii. 93.

gentlemen to whom Leveson turned for assistance. His letter to Willoughby was addressed to 'the ... highe sherife of Kent and the rest of the justices of the peace within the lathe of Sutton at Hone'. The fact that Willoughby was to work in conjunction with justices, and only within the confines of his own lathe, gives rise to the speculation that he was included because he was one of the gentlemen governors of the area, rather than because of any essential military capacity he possessed as sheriff. Certainly when Moyle Finch was first commissioned to superintend the county's musters the privy council made it perfectly clear that they were giving him an extraordinary kind of authority:

'... her majestie hath given auctoritie unto us of her privye counsell to appoint such gentlemen and persons of discrecion and experience as we shall thincke good to make choise of, together with the high sheriff, to take the musters ... in any countie of the realme where there is no leiutenaunt or where the leiutenaunt shall happen to decease; and by the decease of our very good lord the late Lord Chamberlaine to her majestie there is no leiutenaunt at this present in the countie of Kent ... And for your authority and warraunt to execute the same wee do let you understand that by her majestie's comission under the great seal of England there is by speciall woordes in the same sufficient warrant given both to us thus to command you in her majestie's name and to you and everye of you to execute the same. And so we require you to proceede therein with that care which is fit to be used in services of this waight.'

1

By emphasising so strongly that the sheriff and his associates would be entitled to exercise this authority and that they had been given it because of the decease of the lieutenant, the council could hardly have made clearer the fact that for the moment the scope of the shrieval powers had been widened. In the event a commission of lieutenancy was issued shortly after to Henry Brooke, son of William Lord Cobham, the late chamberlain. In a letter he wrote to Sir Robert Cecil in April 1602, the new Lord Cobham expressed his views on where the county's military authority should be concentrated:

'By my letters patent I find that a man cannot be levied without her majesty's letter to me to authorise the same, and if by virtue of these warrants I might do it, I am bold to say that it is a mistake to join me with mayors and sheriffs, who have nothing to meddle in this kind, but as inferior officers to receive direction.' 1

There is a certain haughtiness of spirit on the part of the man who was shortly to become involved in the Main Plot, but the broad basis of his opinion is not inconsistent with what we have been able to discover.

1. HMC, Salis., xii.126.

CHAPTER 10

The Role of the Sheriff in Kent

Despite theories as to the minor importance of the shrievalty compared with the commission of the peace and the lord lieutenancy, we know that the sheriffs themselves were not demonstrably 'inferior' men. In the first place they were fully part of the upper strata^{-hm} of Kentish society. Landlords rather than tenants, they were 'gentle' in origin and married well, and sometimes profitably. Most of their families had been native to Kent for some time, and many marriages were contracted within the relatively narrow confines of the county. To this extent, they exhibited the conservative, close-knit quality which may have been typical of county societies as a whole. On the other hand, marriages outside Kent were by no means rare; nor was it unusual for the sheriff's rent rolls to include estates which lay in other counties. At the same time, some families, like the Barnhams and the Smiths in particular, were newcomers to Kent who quickly integrated themselves by land purchase and marriage within the county.

Many of the men with whom we are concerned spoke of their debts, and Anthony Aucher, Peter Manwood and Edward Wotton seem to have come to varying degrees of financial grief: yet there can be no doubt that our 44 men enjoyed

a level of wealth which was broadly commensurate with their social status, deriving it predominantly from renting out parts of the most productive land in a notably prosperous county. The poorest of them was unlikely to have received much less than £1000 a year from his estates, while at the other end of the scale, the great wealth of the Sedleys, Lennards and Finchs was worthy of contemporary comment. And whatever the case in his later years, Edward Wotton drew substantial sums from office, quite apart from the revenues from his enormous estates. It may be that some of James' sheriffs were less socially prominent and wealthy than their Elizabethan counterparts, but this was simply a matter of degree. All the indications are that they enjoyed a superior social standing, both within their own neighbourhood, and in the county as a whole.

The sheriffs' social eminence is evident too from the role they played in governing their county other than when they became sheriff for a year. Their status and their wealth made them the natural leaders, or 'governors', of society, not only because it was assumed that they had a vested interest in preserving the status quo, but also because they could be attacked through their property and status if they abused their responsibility. Most commonly they served as justices for years on end,

withdrawing from the commission for a year in order to become sheriff. During those years they performed the routine tasks of preserving the peace in Kent, but sometimes they were also specially commissioned to deal with a wide range of particular threats to good order. Otherwise, they participated on a number of levels in preparing the defences of the county, particularly against Spain. In short, there can be no doubt that the men who became sheriffs were part of a social and governing elite.

It is nevertheless true that the sheriff himself was no longer the king's chief deputy in the county: his military and judicial activities had been greatly reduced over the centuries. During our period, if he had anything at all to do with military affairs, he received orders from another official in the county, or at best, exercised merely temporary and extraordinary powers. And as far as we can tell, his courts dealt only with petty matters, since the now sophisticated civil and criminal courts, both at Westminster and within Kent, had absorbed the greater part of the business which had given life and vigour to the tourn and the county court. But the latter remained important for the election of the knights of the shire. The county election was principally an occasion for the politically active gentlemen of the county who wanted to become members of parliament, but in addition it was

probably seen by the sheriff who supervised the proceedings as an opportunity to display himself - and his power if elections were contested - to county society as a whole. His provision of board for the circuit judges at the assizes, and his part in receiving distinguished visitors, might also enhance his reputation in the eyes of the Court in London. It is likely that the high sheriff attended these occasions personally; and the same may have been the case whenever he was commissioned to participate in military affairs under the command of the lord lieutenant and his deputies.

However, it seems that the high sheriff was not often directly involved in the major part of the work of the shrievalty. He retained his overall responsibility of course, which was to see that the office was served well, but he did this by drawing up an indenture of agreement in which the conduct of the routine affairs of his job, including the laborious process of accounting at the exchequer, could be signed away to the under-sheriff. Indentures of agreement, together with the legislation of these years which attempted to control the activities of the under-sheriff and the bailiffs who served under him, are ample testimony to the crucial importance of the sheriff's so-called 'inferior officers'.

Once in office the under-sheriff set about his tasks. If he was conscientious, he probably spent a considerable amount of time organising the collection of the various revenues he was instructed to levy, especially the profits of justice in the county. Then at the end of the year he had to go through the lengthy and expensive process of clearing his account before the officials of the exchequer. There is not much doubt that the amounts of money he collected and paid in directly were of little importance: the days when his ^Smate's position as ballivus comitatus had had real financial significance were long since passed. Only a small proportion of the farm of the county was ever levied and paid in, and the sheriffs were generally excused from having to pay much of the larger additional totals with which they were charged in the pipe rolls. This is not in the least surprising: much of the money was in fact owed by other individuals, and reference to the rolls could prove that they answered for their own debts in their own names so that the sums need no longer be charged to the sheriff's account.

Most of the money which was left arose from the issues of lands which sheriffs had seized in satisfaction of debts, and from the currently accounting sheriff's collection of the profits of justice. But there were a number of factors which meant that further reductions

were usually made before the exchequer received any cash payments. One of these was the fact that the king-in-parliament had waived his claim to certain small fines, hoping ostensibly to encourage his subjects to be more law-abiding in future. The sheriff's men were thus released from the obligation to collect these revenues. Other deductions represented approved expenditure incurred in the performance of shrieval duties: for example, payment of justices' wages and hiring men and horses for the safe conduct of persons to and from gaols within the county.

The collection of fines and other revenues was without doubt important work; but it did not constitute the major part of the under-sheriff's responsibilities. It is necessary to study the many kinds of writs which came to him in order to reveal the true significance of the shrievalty and how active it was. Despite the unevenness of the material, it is clear that the courts of the realm despatched a mass of instructions in the form of writs to the sheriffs every year. Whatever else he was expected to do, the under-sheriff could not ignore the fact that he was in this respect the servant of the central and local courts. By executing legal process, he played a large part in keeping them running, feeding them defendants and juries, and carrying out their

judgments. Though it was work which was routine and unspectacular, it was always fundamental for the maintenance of good order, to the benefit of both the crown and society in general. Of course the benefits were tangible when the under-sheriff executed writs for the recovery of debts; and it is not necessary to emphasise his potential value to a government whose straitened financial circumstances in this period are well known. Faced with the problem of having to recoup considerable outstanding revenues, exchequer officials resorted to the initiation of judicial action and directed an appropriate writ to the sheriff.

The way in which sheriffs were fined - and pardoned of many of their fines - emphasises the fact that the government used the shrievalty in an attempt to ensure that crown debtors were not allowed to evade their obligations. There were occasions when sheriffs were fined because they failed to bring men into the courts to answer charges against them; but the penalties involved were small. The more substantial fines were imposed because in the view of the exchequer the sheriffs had failed to execute writs against debtors as thoroughly as they might have done. Time and time again an under-sheriff returned a writ with an endorsement to the effect that the person named in it had no lands which could be

seized in satisfaction of his debt. But the barons thought otherwise: acting on the basis of contrary information offered by 'trustworthy men', they judged the return to be false, and favourable to the party concerned. The heavy fines which followed displayed the determination of the exchequer to do all it could to penalise half-hearted execution of process which threatened to deprive the crown of its revenues. We know however that in the event the fines were not exacted: the sheriffs, or someone acting for them, were allowed to come to the exchequer and negotiate for the payment of only a small fraction of the original fines. The crown authorised their reduction to a purely nominal level whenever an account had in the meantime been given for the debts which had originally prompted the issue of writs. Under these circumstances, the fact that the sheriff's officer had falsely returned a writ - his true offence - lost much of its significance as far as the barons were concerned.

Thus the shrievalty's major role in governing Kent arose from its preoccupation with a multitude of writs issuing from the king's various courts. It has been argued in the foregoing chapters that it was a fundamentally important role, and that it would be wrong to see the rise of the justice of the peace and the lord lieutenant as manifestations of the sheriff's absolute

decline. But we must face the possibility that the sheriff's important tasks were not fully performed; that the under-sheriff and his men failed to live up to expectations by not executing their responsibilities thoroughly and honestly; that the achievements were not as great as they might have been. We should never forget that it was the intervention of the sheriff's men which resulted in the recovery of debts, both for the crown and for private creditors. We must always remember that the enormous amount of litigation which flowed through the courts did so in large part because sheriffs had seen to the positive and productive execution of process. But our examination of the endorsements on surviving writs suggests that for every return of this kind there was another which achieved very little or nothing at all.

A number of factors may account for this phenomenon and they are by no means all of them sinister ones. In the first place the existence of a body of negative returns needs careful interpretation: we cannot immediately assume that it is the product of idleness and dishonesty. There is not much doubt moreover that the under-sheriff was a busy man, largely because he had to deal with a multitude of writs, and because the execution of some of them - especially those requiring the empanelment of a jury - necessitated the expenditure of much time and energy.

Some contemporaries maintained that there was too much work to be done in the time available. The under-sheriff may have had to neglect some writs altogether, and he could not spare much extra time on those he had been unable to execute positively at his first attempt. Again, the execution of certain kinds of writs presented serious difficulties. The under-sheriff's sphere of action was limited in several ways when he came to seize property in satisfaction of overdue debts. The law prevented his taking certain categories of goods for this purpose, so that he had to exercise due care that the items he took into his hands were 'seizable' in law. But more importantly perhaps, he had to be certain that anything he seized did in fact belong to the party against whom his writ was directed: if he took the property of an innocent man which was merely being used by the debtor, then he was liable to prosecution for a trespass. It is conceivable that in some cases considerations of this sort produced an attitude so cautious as to prove crippling of positive and productive work.

It would be foolish however to believe that the under-sheriff never compromised himself. It is understandably difficult to discover direct evidence of irregular conduct, but contemporary complaints provide some grounds for

cautious speculation. Crown writs, it was said, were neglected because the under-sheriff could not claim a fee for executing them, as he was entitled to do when he dealt with private cases. There were allegations of failure to pay money into the Exchequer on the basis of the false claim that it had been impossible to levy it. And Dalton's handbook on the shrievalty lists a variety of ways in which the profits of justice in the county could be diverted into the deputy's pocket at the crown's expense. Undoubtedly there were times when the sheriff's officers were persuaded by the financial inducements of interested parties to stray from the impartial performance of their duties; but specific cases of taking bribes or gifts, for the return of partial juries for instance, do not readily come to light.

But whatever the faults or merits of the under-sheriff himself, the quality of his bailiffs was crucial in determining the efficiency of much of his work. We have seen that bailiffs were commonly responsible for the execution of process within their own part of the county, and that many of them stayed in office for years on end, despite statutes to the contrary. Some commentators had nothing but scorn for these men: they could easily defeat all the efforts of an honest under-sheriff. They worked closely with juries of inquiry, and presumably they were in receipt of gifts or bribes when they bullied

or conspired with jurors in order to obstruct the course of impartial investigation. They were 'the most crafty persons in the world'.

Some under-sheriffs and bailiffs behaved dishonestly: pressure of work may have impelled them to do so. But other factors must be borne in mind though it is not absolutely clear what importance we should attach to them. The murder of under-sheriff John Note, during what was judged to be the lawful execution of his duty, reminds us that when the deputy, or his bailiff, went out to uphold the laws of the land, they exposed themselves to great dangers. We must take account of remarks Wilkinson made in his treatise on sheriffs.¹ He considered that the deputy was sometimes compelled to be dishonest and extortionate,

'... or else the undersherife must go away a beggar ... for if he get by his office, hee will goe nigh to bee stripped cleane out of it in paying of Exchequer fees and other extraordinarie charges which he cannot avoid, as experience hath taught me, and there is no way to helpe it as I thinke, but by an act of Parliament, and therefore it is no marvell that the undersherifes make shipwrack of their consciences to catch what they can to save themselves'.

2

But elsewhere in his treatise, Wilkinson gave a different impression of the under-shrievalty and spoke of men who paid the sheriff to gain the privilege of becoming his

1. J. Wilkinson, The Office and Authoritie of Coroners and Sheriffs (1628).

2. Wilkinson, op.cit., fos. 49b, 74a & b.

deputy. The under-shrievalty and the individual bailliwicks were offices of profit as we have seen, and it would be wrong to deny the existence of opportunities for trickery and extortion. But the evidence will not allow us to suppose that the offices as such were financially burdensome and that profits could be made only if men indulged in irregular practices. This is only one area where our present picture of the under-sheriff and the bailiff is still incomplete. We need to know much more, and there is a strong case for a searching study of these subordinate officers in their own right.

We have spent some time discussing the popularity of the office of under-sheriff, but we must attempt to answer the question as to how men regarded the prospect of becoming high sheriff. Evidence for Kent is difficult to discover, and that which is readily available for other parts of the country does not always point in the same direction. The tendency among writers has been to regard the office of sheriff as being an unpopular one, 'only to be borne because it lasted only a year and came but once in a gentleman's life'.¹ It is of course true that some gentlemen found the prospect of becoming sheriff an unwelcome one and tried to secure their exemption from the honour, while others who had been appointed believed

1. G.R. Elton, The Tudor Constitution (Cambridge, 1965 edition), p.451.

they had been victimised. Cheyney cited a number of examples, especially for the year 1582;¹ and many years after, in 1620, it was rumoured that Sir Thomas Lambert had been made sheriff of Hampshire 'in spyte because he would give nothings to these warres', that is to say because he would not make the king a loan for his Palatinate venture.² Two years later, Chamberlain could write to Carlton and say that those who had been too forward in parliament, or too backward in the benevolence, were being appointed,³ and in 1625 it was reported that a former deputy lieutenant of Northamptonshire was complaining about the fact that he had been in the sheriff's bill that year. Having taken a leading part in proceedings against Lord Vaux for recusancy, the man seems to have been extremely perplexed that his pains should be rewarded in this way, and argued that 'all the world woulde thinke it was a punishment laid upon him for my lord Vaux'.⁴

Some men clearly regarded the office as an inconvenience but on the other hand, there were times when it was seen as something less than abhorrent, and was even worked for in a positive way. For example, a letter to Cecil in November 1602 mentions a William Herbert 'who intends to be sheriff of the county of Montgomery, albeit he is

1. *Op.cit.*, p.357.

2. PRO SP 14/117/64.

3. PRO SP 14/134/15.

4. BM Harl.1580, fos.342a-43a; I owe this reference to R.E.Schreiber.

not returned',¹ and a few years later Sir John Harrington attempted, without success, to become sheriff of Somerset, even though he had apparently secured the support of Salisbury's secretary Hicks.² As far as Kent itself is concerned, there is some reason to suppose that the office could still be regarded as an attractive one for much of the period under consideration. Martin Barnham's son had some disparaging remarks to make about it in his own day, but there cannot be much doubt that he regarded his father's appointment in 1598 as a blessing rather than a curse.³ The truth of the matter may be that a man's attitude to serving was determined by his own circumstances and inclinations at the moment. The office may have had a social value for Barnham and for some of those serving in the later part of the period whose place in county society and government was relatively small or new.⁴ In a general list of men who were not regarded as being suitable for appointment in 1597, a Mr Uvidall of Dorset appears: his disqualification seems to have been the fact that he had only £30 a year in land, and that he had been serving on the commission of the peace for only a year.⁵ Uvidall had obviously

1. HMC Salis., xii. 495.

2. PRO SP 14/48/125a, 1609?

3. T.B. Lennard, 'An original manuscript...', The Ancestor, ix. 203.

4. See Chapter 'Social Origins & Status'.

5. HMC Salis., vii. 536.

been a possible candidate for appointment, yet in terms of meeting the requirement of having sufficient landed status he was not up to the mark. As far as the shrievalty was concerned, Uvidall had not yet arrived.

It is also interesting to note that two of our sheriffs served twice during the period - Michael Sandes and Moyle Finch - and that another four had served prior to 1580.¹ But it is difficult to believe that all these men could have derived the same benefits of social promotion and recognition by the central government as trusted governors by virtue of a second term as sheriff. Willoughby and Cromer seem to have been firmly established in society before they took office on the second occasion, and they had been entrusted with tasks of a special kind by the privy council. For Michael Sandes and Moyle Finch this was, if anything, even more the case.² It is true that we do not know how real a possibility it was for such men to refuse to serve again, but there is among the state papers a list of men to be spared from the office, probably in 1609, and the comments against some of the names indicate that previous service did carry some weight in securing exemption.³ In any case, in the absence of direct evidence, it cannot be assumed that the men who served on more than one occasion in Kent

1. R.Baker '62; W.Cromer '67; Willoughby '73; J.Hales '74.

2. See Chapter 'The Sheriffs as Governors'.

3. PRO SP 14/48/125b.

did so against their wills. After all, becoming sheriff was a way of serving the king, and to an ambitious man it might be the way to greater things.

Some of those who welcomed the post may have done so because they saw in it the prospect of material gain. For example they might take bribes or gifts from interested parties in order to influence the outcome of county elections or, more generally, the composition of juries. We do not unfortunately know how far this was the practice among the sheriffs of Kent. Beyond Thomas Willoughby's attempts to exploit the misfortunes of Thomas Jordan, there is no other evidence readily available at the moment which indicates that they used the office to this end.¹

On the other hand, Cheyney believed that the office was unpopular because it was expensive to undertake. The rewards of office in no way balanced the outgoings: the scales of fees which the contemporary manuals printed were drawn up in pence, or 'at most shillings', while the cost of entering and leaving office could amount to a considerable number of pounds. In addition, the under-sheriff's salary was a 'serious item'.² We have seen that the sheriff himself was probably not involved in the office to the extent of being immediately concerned with

1. See the evidence against Willoughby in the chapter 'Sheriff's Fines'.

2. Cheyney, op.cit., p.358.

fees and passing his account; and ultimately the amount of money gained from fees depended on their number, and whether the restrictions of the scales were in fact upheld.¹ The notion that the under-sheriff was given a salary as such is a curious one, if only for the fact that the source which Cheyney cited for the information does not in fact bear it out.² It is true that Wilkinson says that the sheriff may give his servant a 'good allowance', but he considered that this should come out of the fees the sheriff was entitled to take, and he says that after this deduction, the sheriff may 'yet have sufficient out of the honest gaines of the office to passe his accounts and to defray part of his other charge'.³ In other words, the under-sheriff's allowance, the reward for his labours, should be drawn from the fruits of those labours: it need not represent an absolute disbursement from the sheriff's pocket. Roger Twisden, and others presumably, solved the problem by simply signing away his own claim to the fees of office in the indenture of agreement he drew up with his deputy.

Nevertheless, it is clear that the cost of entertaining justices at the Assizes, for which the sheriff was often personally responsible, could expand to a level which would disqualify many men from serving

1. See chapter on under-sheriffs and bailiffs.

2. Wilkinson, op.cit.

3. Wilkinson, op.cit., fo.49b.

who would otherwise have been good candidates for the office. In the early part of 1574 the government had already addressed itself to the problem. Many complaints had been received, it said, because of the large diet and other charges at the Assizes, and the Queen and the councillors had perused the petitions for expenses which sheriffs submitted to the exchequer and seen that costs were indeed rising. It was decided that from henceforth the sheriff should not have to foot the bill for this item, but that the entertaining would be financed out of the Queen's coffers, though it was not clear how this would be done.¹ But despite this apparently firm intention to reform, little seems to have been achieved in practice; the problem of entertaining the justices remained the sheriff's, and one of Barnham's son's remarks about his father's shrievalty praises him because his entertainment at the Assizes was 'fitly proportioned'.² In 1600 the privy council attempted once again to tackle the problem by urging the justices of assizes themselves to order the sheriffs not to keep a 'table', but to produce 'ordinary' provision only.³ Again, the success of this policy appears to have been limited: the one piece of evidence for Kent comes at the end of the period,

1. BM Add.32323, fo.125 et seq.

2. T.B.Lennard, 'An original manuscript...', The Ancestor, ix.203.

3. AFC, xxx.784.

and shows the sheriff going to considerable trouble for the approaching Assizes. In July 1624, Sir John Hayward found himself in difficulties because he was short of venison; he wrote to friends to see if they could replenish his stock 'for pleasuringe the judges and divers other justices and gentlemen of the grand jurye'.¹

It is necessary however to distinguish between the office as such and what men were liable to make of it. In its letter to the judges of assize in 1600, the privy council pointed out that, despite previous directions to them, the sheriffs persisted in keeping public table at the Assizes or the sessions. This often meant that those who were not financially capable of keeping up the standards were discouraged from taking on the responsibilities of the shrievalty, so that the Crown lost the benefit of potentially good service. But the reasons for the practice which the council advanced are extremely interesting and may be taken to shed considerable light on the whole question of the popularity of the office. Lavish entertainment was undertaken for ostentation said the council, and to build up influence among the freeholders to sway things to their will 'to the overthrow of justice'.² In other words, the office could be used

1. KRO U 1115/C 16.

2. APC, xxx.784.

as a vehicle for the advancement of one's place in society, both in terms of the demonstration of one's wealth and generosity, and of one's sway over that important body of people in the county, the freeholders. A man with sufficient wealth who thought he needed to do these things would in all probability see the office as a useful tool rather than an unavoidable evil.

However complete our picture of the popularity of the shrievalty becomes, it is likely to remain a complex one. For their own reasons some men found the office an unpleasant one; but others, again for their own reasons, found they could benefit in some way from a term as high sheriff. Thomas Fuller, writing in the mid-seventeenth century, echoed some of this ambivalence. The most prestigious days of the shrievalty had undoubtedly passed, he said, but from the time of Edward III till 'within our remembrance' it had been

'honos cum onere, an honour with a burden'.¹

1. T. Fuller, Worthies of England (1840 ed.), i.61.
I owe this reference to R.L.Davids.

APPENDIX A :

Biographical Notes

These have been kept to a minimum: they include information from which the analysis of Section I is derived, together with anything additional which is of immediate interest. The dates given for service as justice of the peace merely indicate service before and/or after a term as sheriff: they do not necessarily indicate the chronological limits of membership of the commission of the peace.

AUCHER, Anthony

Nov. 1613

Born: c.1587

Died: 3 July 1637

Ktd: 4 July 1604

Edctn: Admitted Grays Inn soon after becoming sh.,
Nov.'13.

Family: Anciently in Kent.

Son of Anthony esq. and Margt., d. Edwin Sandys,
Arch of York.

Married Hester, d. and coh. Peter Collett,
Merch. Taylor.

2 sons, Anthony and Edward, and d. Hester.

Lands: Seat: Bishopsbourne, near Canterbury.

Holdings concentrated around a small area to
S.E. of Canterbury.

Additional holdings in Northumbs. and Bucks.

Wealth: IPM evaltn: £50.

Subsidy: £20, £10, £12.

Estmtd. clear annual value Kent lands: £1300.

In debt, and creditors sought legis. for sale
of lands.

Offices: JP 1621: quorum.

Sources: PRO C 142/329/182(father's inqustn.); C 142/
544/59; Shaw, ii. 134; Foster, Gray's Inn Admissions,
p. 133; Hasted, i. 110; Harl. Soc. Publtns., xlii.
180-81; Berry, p. 222; PRO Ind. 6803 (July 1610);
E 179/127/578, /128/621; BM Harl. 6847, fos. 35-6;
PRO C 193/13/1.

BAKER, RichardNovember 1562, December 1582.

Born:

Died: 27 May 1594

Ktd: 1573

Edctn: Inner Temple admission Feb.1553 - called to Bench '68.Family: At Cranbrook temp. Ed.III - at Sissinghurst in Cranbrook c.1500.

Son of Sir John and Eliz.,d. and h. Thos Dinley of Herts. - Sir John was Rec. of London, Att.Gen. and Ch. of Exch. to Hen. VIII, and Pr.Cclr. to Ed.VI and Mary - had bought remaining part of manor of Siss. which had not been in family's possession, and estd. seat there.

Married 1) Catherine, d. and h. John Tirrell of Essex, by whom 2s. and d. Anne.

2) Mary, d. John Guldford, by whom 2ds. Grisagon and Cecilia.

Lands:

Seat: Sissinghurst, Cranbrook.

Holdings concentrated round Cranbrook in central area of S.Kent - extending south into Sussex, and north up to Maidstone and beyond.

London property.

Wealth:

IPM evaltn: £380 13 11

Subsidy: ---

Additional source of wealth: poss. some interest in iron - furnace at Cranbrook, and furnaces and forge in Sussex.

BAKER (2)

Offices: JP '73-4: quorum
 '85: quorum
 '71: to investigate Roch. bridge repair
 '79: tasks for Pr.Ccl.
 '79: steward of Inner Temple till '89.
 '84: captain
 '85: commiss. for restraint of grain
 '88: captain
 '90: marshal of Inner Temple.

Other: MP Horsham, Lancaster, Romney, Shorham 1554-58.
 Religion: will emphasises Jesus Christ's
 merits & the elect.

Sources: DNB sub Baker, Sir Richard; Shaw, ii.75; F.A.
 Inderwick(ed.), Calendar of Records of the Inner
 Temple (1896), i.167, 249, 301, 359, 370; Berry, p.216;
 Hasted, vii.100-01; W.Tarbutt, Cranbrook Church
 Annals (1870-75, Cranbrook), pt.2, pp.26-9; PRO C
 142/244/110; Hasted, vii.472; PCC 46 Dixy; Arch.
 Cant., xxi.311; M.A.Lower, 'Iron Works of the
 County of Sussex', Sussex Arch.Coll., iii.241;
 BM Eg.2345, fo.20; Lansd.474, fos.17b, 92b; Cal.Pat.
 Rolls '69-72, p.278; APC, xi.295-96, 320; PRO SP
 12/172/99; SP 12/208/25; APC, xx.236.

BAKER, ThomasNovember 1604

Born: 1576?

Died: April 1625

Ktd: 1603

Edctn: Prob. matric. St Alban's Hall, Oxford 1591 at 15.Family: 2nd s. Richard(q.v.) and Catherine Tirrell.Married: Constantine, d. Wm. Kingsmill of
Maltsanger, Hants., by whom 2s. and 1d.Lands: Seat: Wittingham Hall, Suffolk.Lands in Suffolk, Sussex, Lincs., Gloucs.,
Essex and Midds.Seat at Sissinghurst during minority of Henry,
son of his older brother John, from Oct. 1599,
when Henry was 13 years 7 months old.Wealth: IPM evaltn: £104 0 0

Subsidy: £20 (Kent)

Offices: JP '97:quorum

'06:quorum

'03:commiss. for purveyance.

Other: Religion: will emphasises merits of Jesus Christ,
and the elect.Sources: Berry, p.216;Shaw, ii.108;J.Foster,Alum.Oxon.,
p.59;PRO Wds.7/73/105;PCC Clarke 44;PRO Wds.9/108,
fo.428b;KRO QM/Sess.Rolls,Dec'97 &1606;HMC De L'Isle
and Dudley, iii.75;PRO E179/127/562.

BARNHAM, Martin.November 1598

Born: 1549 Died: 13 December 1610

Ktd: 1603

Eductn: St Alban's Hall, Oxford at 16.
Gray's Inn 1567.Family: Grandfather of Southampton, father a Merch.
Adventr. and sheriff of London 1575. Had bought
lands in Kent for Martin by the time he died in 1576.
1st s. of Francis, and Alice Brogbridge of
Sussex.Married: 1) Ursula, d. Rob. Rudstone of Boughton
Monchelsea, by whom 2 sons.2) Judith, d. Sir Martin Calthorpe,
a Draper of London and afterwards Lord Mayor, by
whom 3s. and 4ds.Lands: Seat: Hollingbourne, nr Maidstone.Holdings rather more scattered over the co.
as a whole than most other sheriffs' - as far west
as Chevening, and east beyond Canterbury.Wealth: IPM: £112 5 0

Subsidy: £21

Land evaltn. for loan: £20

Will: extensive money bequests (£2500+), and
son claimed he left lands worth £500 p.a. among
his younger sons.Offices: JP '82: quorum

'04: quorum

BARNHAM (2)

Other: Barnham is a very good example of the way in which a man could integrate himself into a county society by a process of wise marriage and land purchase. This took place over a short period of time: Martin spent his early years in London as the son of a merchant. When his own son succeeded him in 1610 he inherited fairly extensive Kentish estates, and the family had taken its place among the governing gentry of the county.

Religion: fairly straightforward committal of soul to God in will.

Sources: The Ancestor, ix.191-209; Shaw, ii.118; Hasted, v.468-71; Foster, Gray's Inn Admissions, p.37; DNB sub Barnham, Sir Francis; J.Cave-Browne, The Story of Hollingbourne (Maidstone 1890), p.83; Berry, pp.394-95; Harl.Soc.Publtns., xlii.168-69; PRO C 142/319/198; E 179/127/536; PCC 9 Wood; Stafford CRO D 593/S/4/10/8; BM Lansd.35, fo.133b; Ad.38139, fo.136a.

BESWICK, WilliamNovember 1616

Born: before 1567 Died: August 1624

Ktd: --

Edctn: --Family: William probably the first wholly in Kent—
father of London, grandfather of Cheshire.Son of William, draper and alderman of London,
and Joan Harte of Newenham, Kent.Married 1) Rachael, d.Thos.Beacon, Canterbury
by whom 4ds. and 1s.2) Eliz., d. and coh. Arthur Malby,
by whom 2ds. and Arthur, heir.

3) Alice, d. and h. John Walterscott.

Lands: Seat: Spelmonden, near Tonbridge.

Holdings concentrated on Spelmonden/Horsmonden area.

Wealth: IPM evaltn: £42 17 8

Subsidy: £23, £20

Land evaltn. for loan: £20.

Estmtd. annual value of estate by son Arthur:
£1000.Offices: JP '99

'21

Other: On bad terms with son Arthur, presumably
because of the latter's debts. Arthur feared
being disinherited and petitioned the privy

BESWICK (2)Other: (contd.)

council for a year's protection from his creditors in order to win over his father so that the debts could be paid. This was early in August 1624, but William died shortly after and left estate to a bastard child. Nevertheless, protection seems to have been granted and in 1631 the administration of his father's estate came to Arthur in the absence of a will.

Sources: A.Beaven, Aldermen of London (1908-13), ii.37; Hasted, v.314-16; Harl.Soc.Publtns., xlii.152-53; Berry, p.381; PRO C 142/522/33; Hasted, vii.77; Stafford CRO D 593/S/4/10/8; APC'23-25, p.297; KRO QM/SB, 23 July '99; PRO C 193/13/1; CSPD'23-25, pp.319,323,324; Arch.Cant., xx.21; PRO E 179/127/515, 569, 560A, 572.

BING, RobertNovember 1592

Born: Died: 1595

Ktd:

Edctn:

Family; Robert probably first in Kent temp. Mary.
 Son of John (of Cambs?) and Agnes, d. Thos.
 Spencer.

Married 1) Francis, d.& h. Richard Hill and
 stepdaughter to Sir John Mason, Chanc. of D. of
 Lancs, from whom G.B. acquired seat at Wrotham.
 3 sons.

2) Mary, d. Wm. Mennard, by whom
 2s. and 1d.

Lands: Wrotham, nr. Sevenoaks.

Holdings concentrated in W. Kent, from
 Dartford and Gravesend in north, down to Tonbridge
 Wells. Some in northern part of Romney Marsh.

Additional holdings in Midds., Herts.,
 Sussex, Bucks.

Wealth: IPM evaltn: £96 6 4+ (MS defective)
 Subsidy: £20 (assessment of son after death
 of Robert)

Evaltn. for loan to queen: £10 (son)

Offices: JP '61-2: quorum

'93: quorum

'80-95: took musters, musters commiss.

BING (2)

Parlt: 1558-89: Abin^gdon.

Other: Religion: in 1564 list of men outwardly
'conformable and not chargeable ... of any
grete extremities ...'

Tithe disputes: 1564-66, with John Hooper,
rector of Ightham.

1570, with Thomas Willoughby
(q.v.)

judgements for Bing in both cases.

Sources: Hasted, v.3, 11 et seqq, 227, 290; Harl.Soc.
Publtns., xlii.27-8; Cal.Pat.Rolls '55-57, p.335;
Harl.Soc.Publtns., lxiv.20; Hasted, iii.283; PRO
C 142/244/126; Stafford CRO D 593/S/4/10/8; PRO
E 179/127/569; PCC 76 Scott; C.Read, William
Lambarde and Local Government (1962), p.15;
G.Scott Thomson, Twisden Lieutenancy Papers,
Kent Arch.Soc.(1926), p.74 et passim; Camden
Miscellany, ix(3rd ser., 1894), pp.57-8; Arch.
Cant., xlix.83 et seqq; Arch.Cant., xlviii.179
et seqq.; Hist.of Parlt., sub. Bing, Robert.

CHAMPNEYS, JustinianNovember 1583

Born: c.1531

Died: 3 Aug. 1596

Ktd: -

Edctn: Gray's Inn admission 1560.Family: Anciently in Kent, though not permanently and J's father was of London and of Kent.

Son of Sir John, Skinner, Alderman, Mayor and Sheriff of London, and Meriel, d. John Barrett, of Belhouse, Essex.

Married 1) Henlen, d. & h. Thos Hall of Lon., by whom Justinian (disinherited heir), and others who died young.

2) Theodora, d. & h. John Blundell of Steeple Barton, Oxford, by whom 2s. & 2ds.

3) Anne, d. Thos. Eden of Sudbury.

Lands: Seat: Hall Place, Bexley.

Holdings concentrated round Bexley

Additional holdings in Oxford, and possibly Suffolk.

Wealth: IPM evaltn: £32 2 7 (Oxford only)

Subsidy: --

Will: bequests of c.£1400+

Offices: JP '79

'85: quorum

'80: captain

'84: commiss. for musters while sheriff

CHAMPNEYS (2)Offices (contd.)

'88: captain

Other: Religion - will straightforward.

Sources: Berry, pp,38-40; Beaven, Aldermen ..., i.344, ii.26,169; Fuller, Worthies ...,iii.108; Foster, Gray's Inn Admissions, p.28; Hasted, ii.81-2, 180,482; PRO C 142/251/167; PCC 87 Drake; PRO SP 12/139/43; G.Scott Thomson, Twisden Lieutenancy Papers, Kent Arch. Soc.,(1926), pp.67-8; PRO SP 12/208/25; SP 12/145; BM Harl.474,fo.18b.

CROMER, JamesDecember 1603

Born: 24 Dec. 1569 Died: 27 March 1613

Ktd: 1603

Edctn: Peterhouse, Cam. 1587

Gray's Inn admission Nov. 1589.

Family: To Kent early 15th centurySon of William (q.v.) and Eliz., d. Sir John
Guildford.Married 1) Frances, d. & coh. John Somers esq.,
by whom 1 d.2) Martha, d. Sir Matthew Carew sen.,
by whom 3 ds.Lands: Seat: Grove End, Tunstall nr. Sittingbourne.James started to build a new mansion house, which
was unfinished at his death.Holdings concentrated around Sittingbourne and
to the north on I. of Sheppey.Wealth: IPM evaltn: £113 10 0

Subsidy: £30

Offices: JP 1600: quorum

'04: quorum

'11: assisted Surveyor General in examination
of royal manor of Milton in Kent.Other: Religion: will shows emphasis on Jesus Christ &
the elect, together with a disavowal of worldly
glory.

CROMER (2)

Sources: Shaw, ii.105; Venn, Alum.Cantab. to 1751, p.421; Foster, Gray's Inn Admissions, p.75; Arch.Cant., xli.107; Hasted, vi.86-8; E.Mores, History of Tunstall(ed.J.Nichols 1780),p.v; PRO Wds.7/46/165; E 179/249/7; PCC 21 Capell; PRO SP 14/61/119; KRO QM/Sess.Rolls, 1600; BM Ad. 38139,fo.135b.

CROMER, WilliamNovember 1567; November 1585

Born: 1531

Died: 12 May 1598

Ktd: -

Edctn: Gray's Inn admission 1552.Family: See James Cromer.

Son of James, esq. and Anne, d. Sir Edward
Wotton of Boughton Malherbe (q.v.)

Married 1) Margt., d. Sir Thos. Kemp of Wye
(q.v.), by whom 1 d.

2) Eliz., d. Sir John Guildford, by
whom 2s. & 3ds.

Lands: Seat and holdings - see James Cromer.Wealth: IPM evaltn: £122 3 4

Subsidy: --

March 1555: compounded for the return of his
lands at 2500 marks following his attainder.

Offices: JP '76-7: quorum

'87: quorum

'65: commiss. for repressing of pirates.

'71: commiss. for repair of Rochester bridge.

'73 & '85: commiss. for restraint of grain
exports.

'85: commiss. for musters.

'88: captain.

Also entrusted with numerous tasks by
Privy Council.

CROMER (2)

Other: MP Hythe 1571.

Religion: 1564 - said to be sound. Also called upon by Pr. Ccl. to act v. suspected papists.

Had taken part in Wyatt's rebellion, and was attainted, but pardoned shortly after in 1554.

Fully restored in 1563.

Sources: Hist. of Parlt., sub Cromer, William; Foster, Gray's Inn Admissions, p.21; E.Mores, History of Tunstall (ed. J.Nichols 1780) p.29; PRO C 142/252/63; Hasted, i.462, vi.140, 159, 273; Cal.Pat. Rolls, 1554-55, pp.271-72; PRO SP 12/121; E 163/14/8; Cal.Pat.Rolls 1569-72, p.278; APC, viii.145; BM Harl. 474, fos.75b, 92b; PRO SP 12/208/25; APC, viii.23, 85; ix.111-12, 205; xiii.293; xv.111, 421-22; xix.5 et seqq; Camden Miscellany, ix(3rd ser.1894), p.58; APC, xi.124-25.

DALLISON, MaximilianNovember 1611

Born: after 1578

Died: 9 November 1631

Ktd: 1603

Edctn: Gray's Inn admission June 1594.Family: From Lincs., but M's. grandfather a KB judge, whose son William married into Halling, Kent.

Son of William esq. and Silvester, d. Robert Dean of Halling.

Married 1) Paulina, d. Sir Michael Sandes (q.v.) of Throwley.

2) Mary, d. Sir Wm. Spencer, Yamton Oxfords., by whom 'several sons', inc. Wm. eldest, and ds. Theodora and Penelope.

Lands: Seat: Halling, near Rochester.

Holdings concentrated round Halling and Medway towns, and areas immediately to north and south.

Additional holdings: Sussex, Lincs., and London house.

Wealth: IPM evaltn: £27 3 0

Subsidy: £20

Will has bequests of c. £3000.

Offices: JP '04: quorum

'13: quorum

Other: MP Rochester 1623-24.

Religion: trusts in merits of Jesus Christ - will of wife Mary talks of 'the elect'.

DALLISON (2)Other (contd.)

Max's. health appears to have been causing concern as early as 1621, for in July of that year the privy council allowed him to travel to Spain for recuperation.

Sources: Shaw, ii.106; Foster, Gray's Inn Admissions, p.85; Berry, pp.182-83; R. Hovenden (ed.), The Registers of St James' Clerkenwell, iv. (Harl. Soc. 1891), 27, 204; PCC 40 Darcy; PRO Wds. 9/482, pp.8, 124; C 142/483/82; E 179/128/624; PCC 128 & 129 St John; Returns of Members of Parlt., i.458; BM Ad.38139, fo.135b; KRO QM/Sess. Rolls (1613); APC '21-23, p.16.

EDOLPHE, RobertNovember 1607

Born: Died: 5 November 1617

Ktd: 1603

Edctn: Middle Temple admission April 1581 - late of New Inn.Family: Kent as early as temp Richard II, though recently at Brensett in Romney Marsh rather than Hinxhill.

Son of Robert esq. and Eliz. d. and coh. John Barrow.

Married 1) Emily, d. Sir Thomas Soott of Smeeth, Kent.

2) Eliz., d. --- Robotham, by whom 1s. and at least 1d.

Lands: Seat: Hinxhill, near Ashford according to Philipott, though his will mentions his 'principal house' as being in Brensett.

Holdings concentrated around Ashford with second concentration round old family seat on Romney Marsh.

Wealth: IPM evaltn: £18 15 8
Subsidy: £20
Will: bequests of £1200+Offices: JP '93: quorum
'08: quorum

EDOLPHE (2)Offices (contd.)

'90: steward of Reader's feast under the
Bar, Middle Temple

'02: captain

'16: commiss. for charit. inquisitions.

Other:

R.E. was involved in extensive litigation in the Star Chamber in cases concerning titles to land and tithes. Stretches over many years from 1590 at least, and has charges and counter-charges of assault, riot, conspiracy, and bribery of witnesses.

Sources:

Shaw, ii.123; H.Sturges(ed.), Middle Temple Admissions, i.48; Hasted,vii.561,viii.390; Harl. Soc. Publctns., xlii.54; Berry,p.124;T.Philipott, Villare Cantianum(1659),p.33; PRO C 142/661/72; Hasted,vii.563-65; PCC 105 Weldon; PRO E 179/127/560; KRO U 350/03; PRO SP 14/33; C.H.Hopwood (ed.),Middle Temple Records:Minutes of Parliament (1904),i.315;PRO St.Ch.8/309/5; PRO SP 14/88/28; PRO St.Ch.5/P41/20;/W50/1; St.Ch.8/128/15; /129/10; /132/13 & 14; /154/9; /309/5 & 6.

FANE, GeorgeNovember 1622

Born: 1581 Died June 1640

Ktd: 1603

Edctn: • Queen's Cam., c.1595.

Lincoln's Inn admission 1597.

Family: In Kent probably temp. Ed.II2nd s. Sir Thomas Fane the elder, and Mary d.
and h. Henry Neville, Lord Abergavenny.Married 1) Eliz., d. Robert, 1st Baron Spencer
of Wormleighton.2) Anne, d. Sir Oliver Boteler, Teston
Kent, by whom 3s. and 3ds.Lands: Seat: ^{Burston} ~~Burston~~ in Hunton near Maidstone.

Holdings round Hunton and Yalding.

Additional holdings in Sussex, Beds., Yorks.,
and Bloomsbury houses.Wealth: IPM evaltn: £29 17 0

Subsidy: £20

Will: £6000 to be raised from sale of leases.

Offices: JP '04: quorum

'25: quorum

'03: acting Lt. Dover Castle.

Other: MP 1601 Dover

1603 Sandwich

1614 Dover

FANE (2)Other (contd.)

'20 Kent

'23-4 Maidstone

'25-6 "

'27-8 "

'40 "

Religion: preamble to will is straightforward - soul commended to God.

Queen Elizabeth his godmother, and Francis his brother became Baron of Burghersh and Earl of Westmorland.

Sources: Shaw, ii.120; Venn, Alum. Cantab., p.120; Lincoln's Inn Admissions 1420-1799 (1896), p.125; O. Barron (ed.) Northants. Families (1906), pp.89-96; PRO Wds. 7/95/167; PCC 103 Coventry; PRO E 179/127/569; PRO C181/1; BM Harl.1622, fo.38b; HMC Salis., xv. 279; Hist. of Parlt., sub Fane, George.

FANE, ThomasMarch 1580

Born: Died: 1606-07.

Ktd: 1598

Edctn: -Family: See George Fane.

2nd son of George Fane esq. and Eliz. Hendley, d. and coh. Sir Walter Hendley of Cranbrook, previously married to Wm. Waller. There were 2 sons called Thomas: this is the younger, and he was uncle to George Fane (q.v.), the son of Thomas the elder.

Married Elen Hendley, d. and coh. Sir Walter, by whom 1d. only.

Lands: Seat: ^{Burston}~~Burston~~, Hunton near Maidstone.

Holdings around Hunton, Yalding etc.

Wealth: IPM: --

Subsidy: --

Offices: JP '79

'82

'84: captain

'88: captain

'88: Lt. Dover Castle

'96: Dep. Lt.

'97: commiss. for musters

'03: acting warden Cinq Ports.

FANE (2)

Other: MP Dover: '88, '92, '97.

'Very sick' in Dec. 1601, and by Sept. 1603 begged Robert Cecil to be excused from his lieutenancy at Dover Castle - allowed to do so, and to appoint someone in his stead - chose nephew George (q.v.), to whom he willed his lands.

Work as lieutenant covered much ground: holding ships in port, looking after soldiers returned from France, organisation of supply of ships.

Other work for govt: repairs to Dover Haven, quarrels in the county, municipal troubles at New Romney.

Sources: Shaw, ii. 95; O. Barron (ed.), Northants. Families (1906), p. 94; O. Barron, 'The Fanes', The Ancestor, xii (1905), 4-17; Hasted, ii. 278, 471; iii. 208; iv. 300, 375; v. 152, 161, 259, 316; KRO Canter. Consist. Ct. 41/59; PRO SP 12/172/99; SP 12/208/25; BM Lansd. 35, fo. 134a; PRO SP 12/145; BM Eg. 2095, fo. 366b; HMC 5th Report, p. 139a; APC, xxvii. 109; PRO SP 14/2/86; Hist. of Parlt. sub Fane, Thomas; HMC Salis., xi. 522; BM Ad. 38139, fo. 193b; APC, xxi. 3-4; xxvii. 48, 178-80; BM Lansd. 66, fo. 27 et seqq; Lansd. 78, fo. 216a; APC, xi. 320-21; xix. 74; xxi. 287-88.

FILMER, EdwardNovember 1614

Born: 1566 Died: 1629

Ktd: 1603

Edctn: East Sutton School.
Caius, Cam. 1584Family: In Kent as early as Ed. II
Son of Robert esq. of Sutton, and Frances d.
Robert Chester of Herts., Knight.Married Eliz., d. Richard Argall esq., of East
Sutton, by whom 6s. and 4ds.Lands: Seat: East Sutton, mid Kent.Holdings spread over this central area, and
some in Romney Marsh.

Additional: houses in Knightrider St., Lon.

Wealth: IPM evaltn: £67 4 0

Subsidy: £16

Evaltn. for loan: £20

Will: bequests of c. £2443

Apparently showing interest in purchasing a
patent from Viscount De L'Isle, 1613.Offices: JP '04: quorum

'21: quorum

'21: captain

'25: gent. of privy chamber

FILMER (2)

Other: Religion: Will has straightforward committal of soul to God.

Sources: Bhaw,ii.126; Venn,Alum.Cantab.,ii.137;
Hasted,v.378-79;PRO C 142/451/105;KRO U 120/T200/
10;Stafford CRO D 593/S/4/10/8; PRO E 179/127/601
HMC De L'Isle and Dudley,v.109; BM Ad.38139,
fo.136a;PRO C 193/13/1; HMC Finch, i.42;
N.Carlisle, Gentlemen of the Privy Chamber (1829)
p.131.

FINCH, MoyleNovember 1596; February 1606

Born: c.1550

Died: December 1614

Ktd: 1585

Bart: 1611

Edctn: Gray's Inn admission 1568.Family: To Kent from Sussex late 13th century.

Son of Thomas of Eastwell, and Catherine, d. and
h. of Thomas Moyle of Eastwell.

Married Elizabeth, d. Sir Thomas Heneage of
Coppend Hall, Essex, by whom 5s. Eliz. was cr.
Baroness of Maidstone(1623) and Countess of
Winchelsea(1628).

Also said to have married Sir Francis
Hastings' daughter.

Lands: Seat: Eastwell, near Ashford.

Holdings concentrated around Eastwell and
Canterbury.

Additional holdings in London, Sussex, and Yorks.

Wealth: IPM evaltn: £184 0 0

Subsidy: £40

Said to have been very wealthy: at his death he
left 'the richest widdow...that is in England'.

May have had an additional interest in the
production of iron.

FINCH (2)

Offices: JP '84: quorum
 '08: quorum
 '88: dep. to Sir Thomas Heneage, Treasrr.
 at Wars.
 '88: colonel of a foot regiment.
 '91: commiss. for Dover Haven work.
 '92: commiss. for recusants.
 '92: commiss. for purveyance.
 '03: commiss. for purveyance.
 '09: commiss. for aid
 '91: Duchy of Land. steward
 '03: Chief Steward of possessions of
 St Augustine, Canterbury.

Other: MP '76-81 Weymouth and Melcombe Regis.
 '93 Kent
 '01 Winchelsea

Religion: Whitgift prepared to support him
 for election for Kent in 1598 as one who was not
 'disaffected to the present constitution of the
 church'.

Took part in a conference at court in 1612 on
 question of order of precedence of newly created
 degree of baronetcy. Suggested that James would
 be prejudiced against baronets, and for this
 he earned the king's rebuke that he had 'more

FINCH (3)Other (contd)

zeale in the busynes than witt'.

Sources: Shaw, ii.83; GEC, Comp. Bartge., i.35; Foster, Gray's Inn Admissions, p.38; Hasted, vii.403-04; Harl. Soc. Publtns., xlii.67-8; S.R. Gardiner (ed.), Manningham's Diary, Camd. Soc. (1868), p.13; GEC, Comp. Peerage, xii.pt.ii, 773; PRO Wds. 7/53/289; Hasted, vi.302, 436, 544-45; vii, 335, 388-89; 393, 409, 418; HMC Finch, i.42; PCC 5 Rudd; PRO E 179/127/508; PRO SP 14/80/85; M.A. Lower, 'The Iron Works of the County of Sussex', Sussex Arch. Coll., iii.241; BM Lansd. 737, fo.142b; PRO SP 14/33; APC, xvi.203, 223; HMC Finch, i.26-8; CSPD'91-4, p.1; Stafford CRO D 593/S/4/6/17 & /10/22; HMC De L'Isle and Dudley, iii.75; PRO SP 14/44/56; R. Somerville, Duchy of Lancaster, i.607; PRO SP 14/60/4; Hist. of Parlt., sub Finch, Moyle; Strype, Whitgift (1822), ii.373; HMC Tenth Report, iv.10.

FINEUX, JohnDecember 1587

Born: Died: 1592

Ktd: --

Edctn:Family: In Kent as early as Richard II, but possibly earlier.

Son of William, who died 1557.

Married Margt., d. Sir Thomas Morley, Glynde, Sussex, by whom a d. Eliz.

Lands: Seat: Hawe Court, Herne near Canterbury.

Holdings around Herne and Chislet in the north, and south to near Dover.

Wealth: IPM evaltn: --

Subsidy: £35

Offices: JP '79: quorum

'92: quorum

'80: captain

'88: captain

Other: MP '71: West Looe.Sources: T.Philipott, Villare Cantianum(1659)p.321;Hasted, ix.86-87; Arch.Cant., liii.81 et seqq; A.ClarkeKentish Wills(1929), p.55; Hasted, viii.123; PRO

E 179/249/5; PRO SP 12/145; KRO QM/Sess.Rolls'92;

PRO SP 12/139/43; SP 12/208/25; Hist.of Parlt.sub Fineux, John.

GILBOURNE, NicholasNovember 1610

Born: c.1562 Died: 6 January 1632

Ktd: 1603

Edctn: Inner Temple admission 1578.Family: Nicholas probably first in Kent, though by the time of his death, his father had bought manor of Woolwich.

Son of William esq., citizen and Draper of London, and Alice, d. and h. Rob. Hunt.

Married Joan, d. Thomas Fludd of Milgate, Kent by whom 2s. and 3ds.

Lands: Seat: Charing, near Ashford.

Holdings round Charing, Sevenoaks, Romney Marsh and Woolwich.

Additional holdings in Aldgate.

Wealth: IPM evaltn: £48 5 0

Subsidy: --

Offices: JP '96; quorum

'13: quorum

'87-88: scoutmaster.

'00-01: collector 1/15 and 1/10.

'08: scoutmaster

'16: commiss. for charitable inquistns.

GILBOURNE (2)

Other: Suit in Court of Requests against William Deyos, a solicitor of Staple Inn, for recovery of £30 owed to N.G. for 'boarde and common fare' supplied to the newly married W.D. and 'family'. N.G. claimed the money was never paid over.

Religion: heavy emphasis on merits of Jesus Christ in will.

Sources: Shaw,ii.115; Inner Temple Admissions,p.91; Harl.Soc.Publtns.,xlii.192; Berry,p.345;PRO Wds. 9/464,fo.20;C 142/781/87;Hasted,i.449;ii.561; vii.434;PCC 13 Audley;PRO SP 12/Case F; KRO QM/ Sess.Rolls '13; CSPD '81-90,p.432;PRO SP 12/209/ 106; E 372/459; SP 14/88/28; BM Eg.860,fo.35b; PRO Req.2/115/52.

HALES, EdwardNovember 1608

Born: 1576 Died: 6 Oct. 1654

Ktd: 1603

Bart: 1611

Edctn:Family: 2nd cousin to James(q.v.)Family originally at Hales Place, Halden at
end 14th century.1st son of William and Eliz., d. Paul Johnson
of Nethercourt in Thanet, Kent.Married 1) Deborah, d. and h. Martin
Harlackenden, Woodchurch, Kent, by whom 2 or 3 s.2) Martha, d. Sir Matthew Carew, widow
Sir James Cromer(q.v.)Lands: Seat: Woodchurch, near Tenterden.Holdings around Tenterden, Woodchurch, Hythe,
Maidstone and in Sheppy.Wealth: IPM evaltn: --

Subsidy: £20, £30.

Estate valued at £3000 p.a.

Will: bequests of £1600+

Offices: JP '03: quorum

'10: quorum

'16: commiss. charit. inquistns.

'21: captain

'23: dep.ltt.

HALES(2)

Other: MP: 1605, 1614 Hastings
 1625 Queenborough
 1625-26 Kent
 1640 Queenborough

Religion: trusts in the merits of Jesus Christ.

Civil War: Fought against Charles, but fell foul of Parliament on suspicion of being involved in 1643 insurrection in Kent. In September of that year his estates were sequestered following his imprisonment in the Tower (July), but the sequestration was ended in October on his 'voluntary proffer' of £6000 to Parliament. He was released from the Tower in 1648.

Sources: Shaw, ii.112; E. Mores, History of Tunstall (ed. Nichols 1780), p.36; GEC, Complete Baronetage, i.76; Harl. Soc. Publtns., xlii.58-60; Foster, Gray's Inn Admissions, p.131; Hasted, vi.88; iv.7, 26, 257; v.344, 350, 355, 358, 360, 362, 370; vi.89, 225; vii.194, 217, 235, 257; viii.274, 292, 298, 320, 402, 207, 496; PRO E 179/127/573, /128/684; CSPD '11-18, p.400; PCC 221 Alchin; PRO C 181/1; KRO QM/Sess. Rolls '10; PRO SP 14/88/28; HMC Finch, i.42; CSPD '19-23, p.614; C.J., ii.726; iii.185, 257-58; 293; v.536.

HALES, JamesNov. 1574, Nov. 1586

Born: Died: 25 June 1589

Ktd: 1573

Edctn: Matric. Trinity, Cam. 1560; B.A. '63-4;
Fellow of Pembroke '65.

Admission to Gray's Inn '65.

Family: See Edward Hales - Hames is from the Dungeon,
Canterbury branch.S. of Humphrey esq. and ... d. Rob. Atwater
of Royton, near Lenham Kent.Married Alice, d. Sir Thomas Kemp of Wye(q.v.)
by whom 1s.Lands: Seat: Dungeon, CanterburyHoldings concentrated on Canterbury and down
to Dover, together with some scattering up and
down east Kent.Wealth: IPM evaltn: £150 6 8

Subsidy: --

Offices: JP '73-4: quorum

'80-4: Dover Haven repair work

'83, '85: commiss. for restraint of grain

'84-5: commiss. for musters

'85: commiss. for disarming recsts.

'88-9: captain and col. gen.

'88: dep.ltt.

HALES (2)

Other: Religion: will has a straightforward committal of soul to God.

Other tasks for Privy Council: estate survey, investigations into charges of over-taxation of aliens in city of Canterbury, and of corruption of government in New Romney.

Died at sea on Portugal expedition, as its treasurer.

Sources: Shaw, ii.75; Foster, Gray's Inn Admissions, p.34; Venn, Alum.Cantab. p.283; Harl.Soc.Publtns., xlii. 58-60; PRO C 142/227/209; Hasted, v.412; viii.86, 290-91, 333, 336; ix.293, 301, 397, 460; x.241; xl.183; Wds.9/86, fo.87a; BM Eg.2345, fo.20; PRO SP 12/140/46; SP 12/169/31; SP 12/160/46; SP 12/184/38; SP 12/172/99; BM Harl.474, fos.75b & 88a; Arch.Cant., xi. 388-89; PRO SP 12/209/106; FCC 27 Drury; Strype, Whitgift, iii.355; APC, xii.73-4; APC, xix.5 et seqq.

HAMOND, ThomasNovember 1624

Born:

Died:

Ktd: called Sir Thomas, though no record of dubbing.

Edctn:Family: Son of William of Acrise, and Cath., d. Sir Peter Hamon.

Married Eliz., d. and coh. Nich. Martin of Athelhampton, Dorset, by whom 3s.

Lands: Seat: Brasted.

Holdings:

Wealth: IPM evaltn: ---

Subsidy: £20

Offices: JP; no record

1615: Dep. Warden Cinq Ports and Litt. Dover Castle.

Sources: BM Stowe 618, fo. 91a; Ad. 33910, fo. 19b; Berry, p. 245; PRO E 179/127/585; PRO SP 14/81/16; Hasted, viii. 112-13.

HARDRES, RichardNovember 1588

Born:

Died: October 1612

Ktd:

Edctn:Family: Kent by late 11th century at least.Son of Thomas esq., and Mary, d. Edward
Oxindon of Brook, Kent.Married Mabel, d. Sir Thos. Wrothe, Enfield
Midds., favourite of Ed.VI and Gent. of his
Chamber. 4s. and 2ds.Lands: Seat:(Great/Upper)Hardres, near Canterbury.
Holdings around Hardres.Wealth: IPM evaltn: £60

Subsidy: £20

Lands of son in Kent and Yorks. valued at
£800 p.a.Offices: JP '83: quorum

'93: quorum.

'88: captain

Sources: Harl.Soc.Publtns.,lxxv.129-30;Hasted,viii.35;
ix.305;PRO C 142/449/25;Hasted,viii.41;ix.309;
PRO E 179/127/560;BM Harl.6847;fols,35-6; BM Royal
18 D111,fo.23a; KRO U 350/03; Arch.Cant.,xi.391;
PRO SP 12/208/25.

HARTE, GeorgeNovember 1581

Born: c.1532

Died: July 1587

Ktd: 1581

Edctn:Family: Originally in Herts., but George's father to Kent 1540's.

Son of Percival, kt.

Married Eliz., d. John Bowes, Staffs., by whom 3s. and 2ds.

Lands: Seat: Lullingstone

Holdings in N.W. Kent: Lullingstone, Orpington, St Mary Cray.

Additional holdings: Devon, C. of London, Sussex

Wealth: IPM evaltn: £149 14 4

Subsidy: £20 (son)

Will: bequests of £700+ and at least £300 in plate.

Offices: JP '76-7:

'83: quorum

'80: captain

'84: captain

'85: commiss. for recusants.

Other: Religion: Will states that God did 'before all worlds foreknow and elect me to salvation' -

HARTE, George (2)

Other (contd)

made gifts of black gowns to mourners first of all, and then reflected that this was pompous and revoked the relevant clause - money to be spent instead on materials for the poor to be set to work on, and for an annual sermon, for seven years, on the conflict between the flesh and the spirit.

Sources: Arch. Cant., xvi.106 et seqq; Shaw,ii.81; Hasted,ii.543;PRO C 142/215/246;E 179/127/588; PCC 70 Spencer;PRO SP 12/121; BM Royal 18 D111, fo.23a; CSPD '47-80,p.662; PRO SP 12/172/99; BM Harl.474,fo.88a.

HAYWARD, JohnNovember 1623

Born:

Died: April 1636

Ktd: 1609; or 1619 if he was Doctor of Laws.

Edctn: ? Called to outer bar, Inner Temple '98, and bench 1613.Family: Shrops., but father to London, and John to Kent.

2nd s. Roland, Clothworker, Alderman, Mayor and Sheriff of London, by his 2nd wife Cath., d. Customer Smith.

Married Anne, widow Gabriel Livesey (q.v.), by whom no heirs.

Lands: Seat: Hollingbourne.

Holdings: Minster, Sheppey.

Additional holdings in Montgoms., and Shrops.

Wealth: IPM evaltn: £9 10 0

Subsidy: --

Will: bequests of £1500+

Offices: JP '22

'25 - as master in Chancery?

'16: ? master in Chancery

Other: MP '25-6: Saltash, Cornwall.

Religion: straightforward committal of soul to God - substantial bequests to poor.

Identity: some problems, though he is probably not the J.H. who wrote on the Union with Scotland.

HAYWARD (2)Other (contd.)

His father Roland was involved in the affairs of the Inner Temple, so it is not unlikely that John made the greater part of his life in the law

Sources: Shaw, ii.148, 174; F. Inderwick, Cal. of Inner Temple Records (from 1896), i.425; ii.114; Stow, Survey of London (1720), bk.v.135; A. Beaven, Aldermen... (1908-13), ii.36; Hasted, v.471; Stow, op.cit., bk.iii.73-4; Arch.Cant., vi.296-97; BM Harl.1174, fo.175; PRO C 142/779/5; T. Philipott, Villare Cantianum (1659), p.381; PRO Ind.4211, 27 July; BM Harl.1622, fo.40a; PRO C 216/1, pt.60; DNB sub Hayward, John; F. Inderwick, op.cit., i. passim.

KEMP, ThomasNovember 1597

Börn: c.1553

Died: November 1607

Ktd: 1603

Edctn: Gray's Inn from Staple Inn '69?Family: Kemps in Wye temp.Ed.I

Son of Sir Thomas and Anne, d. and coh. Sir Thomas Moyle of Eastwell, Kent.

Married 1) by whom 3ds.

2) Dorothy, d. ... Thompson, by whom 4ds

Lands: Ollantigh, Wye near Canterbury.

Holdings concentrated on Wye, though some further west in Hadlow - some scattered property had been passed away by both Thomas and his father.

Wealth: IPM evaltn: £175 11 0

Subsidy: £40

Offices: JP '93: quorum

'03: quorum

Sources: PRO C 142/228/49(father's IPM); Shaw,ii.106; Foster,Gray's Inn Admissions,p.39; Hasted,vii.348; Berry,p.486;Hasted,vii.274;PRO C 142/309/181; Hasted,ii.334,357;iv.208;vii.128,273-4,279,290, 348,372,376,388;viii.49;ix.138,325; PRO 'MS Cal. and Ind.Pat.Rolls,31-37 Eliz.; 32 Eliz.; fo.160b; KRO U 350/03;PRO C 181/1; E 179/127/589.

KNATCHBULL, NortonNovember 1606

Born: Died: 1636

Ktd: 1604

Edctn: St John's, Cam. 1586

Middle Temple admission 1588.

Family: In Kent at Limpne(Limme) in 15th century, then
Mersham Hatch was purchased, not far away.Son of Richard, and Susan, d. Thomas Green of
Bobbing, Kent.Married 1) Anne, d. Paul Wentworth esq., of
Bucks.2) Brigit Astley, d. John esq. of
Maidstone, Kent and Master of the Jewel House.3) Mary, widow of Thomas Westrow,
Grocer and Ald. of London at Mersham.No issue apparently, and his nephew Norton was
his main beneficiary.Lands: Seat: Mersham, near Ashford.Holdings: fairly well concentrated in the S.E.
corner of the county around Mersham and on Romney
Marsh, and some in Maidstone.Wealth: IPM evaltn: £49 6 0

Subsidy: £20, £25.

Offices: JB '03: quorum

'08: quorum

KNATCHBULL (2)Offices(contd)

'16: commiss. charit. inqustns.

'19: pays in money for 'poor captives of

Argier'.

Other:

MP 1609 Hythe (vice member).

Founded Free School at Ashford.

Sources:

Shaw, ii.131; Venn, Alum.Cantab., p.27; Hasted, vii.596; Berry, pp.297-99; Harl.Soc.Publtns., xlii.109-10; DNB sub Astley, John; PRO Wds. 7/89/338; A. Beaven, Aldermen of the City of London (1913), ii.58, 178; Hasted, vii.598; viii.223-24, 403; PRO E 179/127/589, /128/605; PRO C 181/1; SP 14/33; SP 14/88/28; KRO U 274/07; Returns of Mems. of Parlt., i.447; Hasted, vii.538; A.J. Pearman, Ashford (Ashford 1886), pp.152+58.

LENNARD, SamsonNovember 1591

Born: 1544

Died: September 1615

Ktd: -

Edctn: Lincoln's Inn admission 1564

Family: At Chevening, Kent temp. Hen.VI at least.
 Son of John esq. and Eliz., d. Wm. Harman of
 Elham, Kent.

Married Margt., sis. of Greg. Lord Dacres of
 Sussex, and d. Thos. Fiennes, by whom 4s. and 3ds.

Lands: Seat: Chevening, near Sevenoaks.

Holdings concentrated around Chevening.

Additional holdings: Sussex, Norfolk, Cambs.

Wealth: IPM evaltn: £178 10 0

Subsidy: --

Said to have gained £6-7000 from death of Lady
 Dacres, and land valued at £2,500 p.a. and more
 from death of Lord Dacres.

Also a furnace at Knole till 1603.

Offices: JP '93: quorum
 '88: captain

Other: MP '84 Bramber
 '86 St Mawes
 '88 Christchurch, Southampton
 '97 Rye
 '01 Liskard
 '14 Sussex

LENNARD (2)Other (contd)

Religion: among those asked to check on a man suspected of Roman Catholic sympathies, and may have been nominated for Christchurch by puritan Earl of Huntingdon.

Lennards on close terms with Cecils.

Lennard also attempted to gain right to barony juris uxoris - failed, though his son, on Margt's death was summoned as Lord Dacres of the South.

Sources: Lincoln's Inn Admissions, p.71; Hasted, iii.

108-10; Harl.Soc.Publtns., lxxv.63; GEC, Complete Peerage, iv. 11-12; DNB sub Fiennes, Gregory; Hasted, iii.70,150,201; PRO Wds. 7/54/139; HMC Salis., v.205-06; VCH Kent, iii.401; KRO U 350/03; PRO SP 12/208/25; Hist.of Parlt., sub Lennard, Samson; APC '15-16, p.141; BM Lansd.72, fo.166a; Lansd.77, fo.186a; Strype, Parker (1821), i.286-87.

LIVESEY, Gabriel

November 1617

Born: c.1566 Died: March 1622

Ktd: -

Edctn: Inner Temple admission 1590.

Family: Father was of Surrey, though purchased land in Kent 1571.

Son of Robert esq. of Streatham, Surrey and Eliz., d. Maurice Barkley of Wymondham, Leics.

Married 1) Anne, d. Sir Thos. Crompton

2) Anne, d. Sir Michael Sandes(q.v.)
of Throwley, Kent, by whom Michael, heir, and Robert who died.

Lands: Seat: Eastchurch, Isle of Sheppey

Holdings: Eastchurch and Minster, and Hollingbourne, near Maidstone.

Additional holdings in Surrey

Wealth: IPM evaltn: £97 9 4

Subsidy: £20

Feod. certifte: lands valued at £892.

Will: bequests of £263+

Offices: JP '09: quorum

'21: quorum

Other: Religion: will has a strong religious tone, and talks of 'the elect'.

LIVESEY (2)

Sources: Inner Temple Admissions, p.128; Collectanea Topographica et Genealogica, iii.311; Arch.Cant., xiv.379-80; Harl.Soc.Publtns., xlii.102-03; Berry, p.197; Arch.Cant., xxvi.326; PRO Wds. 7/66/19; Hasted, v.471; vi.256; KRO Canter.C.C. 45/357; PRO E 179/127/567; PRO Wds 5/20; KRO QM/Sess. Rolls 1609; PRO C 193/13/1.

MANWOOD, PeterDecember 1602

Born: 1568

Died: 1625

Ktd: 1603

Edctn: Inner Temple admission 1583.Family: Probably to Kent c. end 15th century from Sussex

Son of Sir Roger and Dorothy, d. John Theobald.

Married Fransisca, d. George Hart(q.v.) of
Lullingstone, Kent, by whom 7s. and 2ds.Lands: Seat: Hackington, near Canterbury.Holdings concentrated on Hackington and Sandwich
Evidence of fairly extensive alienation of lands
by P.M.Wealth: IPM evaltn: £28 0 0+ (defective MS)

Subsidy: £40, £20

Fell on hard times - said to have lived
lavishly - had more than usual number of servants -
Chamberlain, writing to Carlton, described his
condition as 'desperate' (1622) - in 1624 Zouche
begged that he be allowed to go abroad to raise
money for payment of his debts.Offices: JP '92: quorum

'04: quorum

'91: commiss. for Dover Haven

'97: commiss. for musters

'01: dep. ltt.

'16: commiss. charit. inqustns.

'21: captain

MANWOOD (2)

Other: MP 1588, '92, '97, '01 Sandwich

Other work for govt: inc. action v. corn rioters and engrossers, exporters of wool; and also to investigate best locations for projected breweries.

Inner Temple - steward for Christmas 1616-18

One of the presidents of Cobham College.

An antiquary.

Sources: DNB sub Manwood, Peter; Shaw, ii.127,155;

Inner Temple Members(1877),p.106; BM Ad.38139,fo.

201b; Berry, p.356; Harl.Soc.Publtns.,xlii.144;

PRO C 142/451/108; Hasted,iii.49,464,469; vii.

313-14; viii.103; ix.46,207; 231,237; x.240;

Arch.Cant.,xvi.60; Arch. Cant.,xlv.202; CSPD '91-94,

p.142; CSPD '98-01,pp.527-28,531; PRO E 179/127/560,

576,578; PRO Ind.6802,July 1607; N.McClure,

Letters of J.Chamberlain(Phil.'39),ii.456;

CSPD '23-25,p.213; KRO QM/Sess.Rolls '92; BM Ad.

38139,fo.134b; APC,xxvii.109; PRO SP 14/88/28;

HMC Salis.,xi.522; APC,xxxii.450; HMC Finch, i.

42; BM Lansd.66,fo.34a; Hist.of Parlt., sub

Manwood,Peter;Arch.Cant.,xxvii.84; CSPD '98-01,

p.132; Camden,Britannia(1695)p.200; F.Inderwick,

Cal.Inner Temple Recs.,i.74; APC,xxv.334; xxviii.

29-30; APC '16-17,pp.28-9; APC '19-21,pp.202-04.

NORTON, ThomasNovember 1618

Born:

Died:

Ktd: 1607

Edctn:

Family Nortons at Sheldwich, Kent c. early 12th century at least.

Son of Thos. esq. and Eliz., d. Wm. Awbrey D.C.L.

Married Eliz., sis. John Bynde of Sussex, by whom 2s. and 1d.

Lands: Seat: Norwood, near Sittingbourne.

Holdings concentrated on Norwood and Ashford, and westwards to Gillingham.

Wealth: IPM evaltn: ---

Subsidy: £15

Offices: JP ---

'21:captain

Other: Religion: 1626 Archdeacon of Canter. reported that Sir Thos. Norton and son-in-law Sir James Hales had not been to divine service for over a year. Had been given permission to travel abroad in December 1624, with proviso not to go to Rome.

Sources: Shaw,ii.143; Harl.Soc.Publtns.,xlii.79-81; Berry,p.158; T.Fuller, Worthies of England(1840), ii.179;Hasted,vi.179,180,484; Arch.Cant.,xi.384;

NORTON (2)Sources (contd)

PRO Wds.9/482,pp.60,132; PRO E 179/127/573;

Arch.Cant.,xxv.50; APC '23-25,p.392; HMC Finch,
i.42.

PALMER, ThomasNovember 1595

Born: 1540

Died: January 1626

Ktd: 1603 ?

Bart: 1621

Edctn: Gray's Inn admission 1562.Family: Old Sussex family, and Thos' father founded branch at Wingham in Kent.

3rd son Sir Henry and Jane, d. Sir Richard Windebank of Lincs. and governor of Guisnes.

Married Margt. d. John Pooley, Suffolk, by whom 6s. and 5ds.

Lands: Seat: Wingham, near Canterbury.

Holdings: Wingham area.

Wealth: IPM evaltn: ---

Subsidy: £20

Offices: JP '83: quorum

'97: quorum

'80: captain

'88: captain

'16: commiss. charit. inqustns.

'21: captain

also: Gentleman of Privy Chamber to James I.

Other: T.P. usually said to have been knighted in 1596 at Cadiz, but this was in the middle of his shrievalty in Kent. We know in fact that on June 1

PALMER (2)Other(contd)

- the day on which Essex' fleet left Plymouth -
T.P. the sheriff was attending a meeting of the
commissioners for sewers in Kent. The knight of
1596 was in all probability his son Thomas.

Sources: Shaw,ii.107; PRO Ind 6806; Foster, Gray's Inn
Admissions,p.31; Berry, p.258; A.Hussey,
Chronicles of Wingham(Cant.1896),p.186; Hasted,
ix.235; Elwes and Robinson, Castles and Mansions
of Western Sussex(1879),p.11; PRO E 179/127/560;
BM Royal 18 D111,fo.23a; KRO QM/Sess. Rolls '97;
PRO SP 12/139/43; SP 12/208/25; HMC Finch, i.42;
PRO SP 14/88/28; GEC,Comp.Btge.,i.166; CSPD '95-97,
p.224.

ROBERTS, ThomasNovember 1621

Born: 1560

Died: 1628

Ktd: 1603

Bart: 1620

Edctn:Family: To Kent early 12th century.

Son of Walter esq., and Frances, d. and h.
John Maynard, Ald. of London.

Married Frances, d. Martin James, esq. of
Smarden, by whom 4s. and 3ds.

Lands: Seat: Glassenbury, Cranbrook

Holdings around Cranbrook.

Wealth: IPM evaltn: £31 14 0

Subsidy: £16

Offices: JP '97: quorum

'21: captain

also among those to help relieve a wounded
soldier in 1591, and to mediate between debtor
and creditors in 1614.

Other: Dispute with mother in Star Chamber over title
to Glassenbury manor - mother claimed that Thos.
took armed possession after sending her away on
a pretext.

Also accused as 'a JP of corrupting a jury of
enquiry, and alleged in 1617 to have conspired to
deny the king his dues from a capital manor in Kent

ROBERTS (2)Other(contd)

Religion: poss. a puritan - dismantled a family chapel at Cranbrook because it was too 'superstitious' - his wife 'ardently attached to the doctrines of the reformation'.

Sources: Shaw,ii.118; GEC,Comp.Bartge.,i.151; Hasted, vii.94-5; Harl.Soc.Publtns.,xlii.93-4; PRO C 142/441/20; PRO E 179/127/586; KRO QM/SB; HMC Finch,i.42; APC, xx.236; xxi.451-52; APC '13-14, p.472; PRO St.Ch.5/B96/6; /B72/25;/H14/7; SP 14/90/124; W.Tarbutt, Cranbrook Church (Cranbrook, 1870-75) pt.2, pp.32 et seqq.

SANDES, MichaelNov. 1584; Nov. 1593

Born:

Died: Nov. 1617

Ktd: 1598

Edctn: Lincoln's Inn admission 1564.

Family: A Surrey family moving to Kent c. mid-15th century
 2nd son of Anthony esq. and Joan, d. Sir John
 Fineux of Herne, Kent.

Married Mary, d. and h. George Finch of Norton,
 Kent, by whom 6ds. and 1s., though 6 sons born.

Lands: Seat: Sheldwich and Throwley, near Faversham.
 Holdings concentrated mainly on Throwley/Charing
 area.

Additional: Surrey, Sussex, Midds., Lincs. and Nott

Wealth: IPM evaltn: £75 18 0

Subsidy: £30

Offices: JP '79; quorum

'86-7: quorum

'85 supervision of milit. defence of Sheppey

'88: scoutmaster E. Kent

'89: master of the ordinance in Kent

'95: captain

'96: raising soldiers

'00-03: raising soldiers for Ireland

'03: commiss. for purveyance

'16: commiss. for charit. inquistns.

SANDES (2)

Other: MP '84 Maidstone

'86, '88, '97, '01, '03-4 Queenborough

'94: fairly close ties with Michael Hicks - bargaining with him over a prospective wardship.

'02: encountered opposition to enclosure of 40 acres of 2000 acres he had recently acquired in Faversham area - defendants in Star Chamber case claimed he had enclosed common land.

1600? - tardy in paying rents to lord Cobham who had administration of the jointure lands of his sister Margt., widow of Michael's brother Thomas (q.v.).

Sources: Shaw, ii.95; Lincoln's Inn Admissions, i.72; Hasted, vi.450; Harl. Soc. Publtns., xlii.105-06; Hasted, vi.452; J. Lewis, History of the Church of Faversham (1727), p.36; Arch. Cant., xxiii.120; Hasted, vi.403, 441-42, 451-52, 464, 466, 477; vii.42, 44, 443-44, 533; PRO C 142/661/79; Manning and Bray, History of Surrey, i.563; V.C.H. Surrey, iii.144 & n, 148; iv.268; CSPD '91-4, p.217; PRO E 179/249/5; PRO SP 12/145; E 163/14/8; SP/229/53; HMC 5th Report, pp.138b, 139a; PRO SP 12/209/106; HMC Salis., xiv.148; xv.215; HMC De L'Isle and Dudley, iii.75; PRO SP 14/88/28; Hist. of Parlt., sub Sandes, Michael; BM Lansd.77, fo.112a; PRO St.Ch. 5/S44/31; CSPD '98-01, pp.511-12.

SANDES, ThomasNovember 1580

Born: Died: 1593

Ktd: 1583

Edntn: Lincoln's Inn admission 1561.Family: See Michael Sandes, brother of Thomas1st son of Anthony and Joan, d. Sir John Fineux
of Herne, Kent.Married 1) Cecily, d. John Tufton of Hothfield,
Kent2) Margt., d. Sir William Brooke, Lord
Cobham of Kent.Lands: Seat: Throwley, near FavershamHoldings: Throwley - Charing area and some further
west beyond Maidstone, and some further south
beyond Ashford.Additional: Surrey, Sussex, Midds., Lincs., Notts.
Property willed to brother Michael in the absence
of issue of his own, with the proviso that Michael
should honour agreements for the jointure of his
widow Margt. in land or cash.Wealth: IPM evaltn: £130 11 0

Subsidy: ---

Will: bequests of £400+

Offices: JP '79: quorum

'84: quorum

'85: commiss. for disarming recusants

SANDES (2)Offices(contd)

'89: dep.ltt.

'90: collector of privy seal loan

'92: comiss. for recusants.

Other: 1565: Steward for Christmas at Lincoln's Inn.

Founded free school at Throwley.

Religion: will emphasises merits of Jesus Christ and his election.

Quarrelled with wife Margt., and Cobham her father afraid that Thomas would cut off her jointure lands - asked for Burghley's intervention. Nevertheless, following Thomas' death, Margt. was claiming rents from the lands. By 1604 her brother had become involved in the Bye and Main plots, and she was 'almost lunatic' - her property fell under the jurisdiction of the Court of Wards.

Sources: Shaw,ii.81;Lincoln's Inn Admissions,i.68; Harl. Soc.Publtns.,xlii,105-06;J.Lewis,History of the Church of Faversham(1727),pp.35-6; PRO Wds.7/24/102; PCC 12 Nevill;PRO SP 12/145; BM Harl.474,fos.17b, 88a;HMC Finch,i.29;APC,xviii.94; APC,xx.186-87; Stafford CRO D 593/S/4/6/17; Lincoln's Inn Black Books,i.349;Hasted,vi.457-58; CSPD '91-4,p.217; CSPD '95-7,pp.542,549; CSPD '98-01,p.170; PRO Wds. 9/110,fo.230b et seqq.

SANDYS, EdwinNovember 1615

Born: 1561

Died: 1629

Ktd: 1603

Edctn: 1571 Merchant Taylors'

1577-79 BA Corpus Christi, Oxford

1583 MA

1589 BCL

1590 Middle Temple admission

Family: Edwin born in Worcs., where father was bishop.

Father then became Archbishop of York. Had married into a Kentish family.

2nd son of Edwin and Cicily, d. Thomas Wilsford esq. of Cranbrook, Kent.

Married 1) Margt., d. John Eveleigh esq. of Devon, by whom 1d.

2) Anne, d. Thomas Southcott.

3) Eliz., d. Thomas Nevinson esq. of Eastry, Kent by whom 1d.

4) Catherine, d. Sir Richard Buckley of Anglesey, by whom 7s. and 6ds.

Lands: Seat: Northbourne, near Dover.

Holdings concentrated on Northbourne.

Additional in Yorks. and London.

Wealth: IPM evaltn: ---

Subsidy: £20

Will has bequests of £4000+

SANDYS(2)Offices: JP '25: quorum

'81-03: canon of York

'96: diplomatic work - accompanied Earl of Lincoln's embassy to germany

'17: enquiry into dispute over customs in Dover.

'22: commiss. for enquiry into fees taken in the king's courts.

Other: MP '89-93 Plympton

'03-4 Stockbridge, Southampton

'14 Rochester

'20-1 Sandwich

'23-4 Kent

'25 Penryn

Very active in parlt. occupying a leading position with Coke, Diggs and Phillips, and also on committees. Active too in colonial affairs. Main concern was with Virginia Company, whose governor he became in place of Sir Thomas Smith in 1619.

Sandys is usually seen as a Parliamentarian, and James regretted his activities more than once. At the end of 1623 the king resolved to send to Ireland 'a few but choice ministers' to examine its administration. Sandys was among them, and many thought that James wanted to remove him in this way from the English political arena.

SANDYS (3)Other(contd)

Nonetheless, he was elected for the next session and took his seat.

Despite all this, Sandys remains enigmatic, for there is strong evidence that he did not always have the confidence of Parlt. as part of the opposition. More importantly, he seems to have been close to the Stuart dynasty, and later to Buckingham. In 1603 he was one of the knights of Queen Anne's council. Buckingham moreover backed him without success for election to Parliament in both 1626 and 1628.

Religion: His 'Europae Speculum' shows some appreciation of good points in Roman Catholicism, though he was later anxious that it should not destroy 'our religion'. Had spoken against Brownists in 1593, and his will trusted that Jesus Christ had freed his soul from sin.

Sources: Shaw, ii.106; E.Hart(ed.), Merchant Taylors School Register(1936); Foster, Alum.Oxon., p.1309; H.Sturgess, Middle Temple Admissions Register, i.60; P.Bliss (ed.), Wood's Athenae Oxon.(1813-20), ii.col.472; Harl.Soc.Publtns., xlii.147-48; Hasted, x.58, 587-91; PRO SP 14/141/120; PCC 84 Ridley; PRO E 179/127/560; BM Harl.1622, fo.39a; APC, xxv.496-97; PRO Ind.

SANDYS (4)Sources(contd)

6800, July '96; SP 14/93/142; APC '21-3, p.325; DNB
sub Sandys, Edwin; Hist. of Parlt. sub Sandys, Edwin;
 PRO SP 14/163/2; /161/4; HMC De L'Isle and Dudley,
 v.177; PRO SP 14/165/38; SP 14/109/18; APC '23-5,
 p.156; PRO SP 14/124/73; /161/4; BM Ad. 38139,
 fo.104b; Nichols, Progresses of James I (1828),
 i.268 n.1; Arch.Cant.xx.94; CSPD '25-26, p.217;
 KRO Sa/ZB2/74,75; Gardiner, Hist. of England,
 iv.127; J.E. Neale, Eliz. and her Parlt. '84-01
 (1957), p.284.

SCOTT, EdwardNovember 1619

Born: c.1578

Died: 1643/44

Ktd: 1626?

Edctn: Hart Hall, Oxford '89Family: In Kent mid-14th century at least.

Son of Thomas kt., and Eliz., d. John Baker of
Sissinghurst, Kent.

Married 1) Alice, d. and h. Wm. Stringer of
Lydde, Kent, by whom 1s. and 1d.

2) Catherine, d. John Honeywood esq. of
Elmstead, Kent.

3) Mary, widow of Norton Knatchbull(q.v.)

Lands: Seat: Brabourne and Scott's Hall, Smeeth,
Holdings in Brabourne/Smeeth area, and some
round Yalding, further to the West.

Wealth: IPM evaltn: ---
Subsidy: £25
Will: bequests of c.£640.

Offices: JP '04
'21: quorum
'21: captain

Also work on River Medway navigation and
drainage of Romney Marsh.

Other: Religion: confident of his resurrection -
numerous bequests to poor of Smeeth, Brabourne and

SCOTT (2)Other(contd)

neighbouring parishes.

Opposed re-imposition of ship money - Parlt. wanted him to become Ld.Ltt. of Kent, but he thought this would tax his loyalty to the sovereign.

MP Kent 1625-26

Hythe 1627

Sources: Foster, Alum.Oxon., p.1324; Hasted, viii.21-2; J.R.Scott, Memorials of the Family of Scott ... (1876), p.23; Harl.Soc.Publtns, xlii.127-29; Hasted, v.122; viii.4, 7, 19, 21-2, 68, 363, 371, 411; PRO E 179/127/572; PCC 7 Twisse; PRO C 181/1; C 193/13/1; HMC Finch, i.42; J.R. Scott, op.cit., 109; Returns of Mems. of Parlt., i.469, 479; PRO E 179/127/572.

SCOTT, ThomasDecember 1601

Born: c.1563

Died: September 1610

Ktd:

Edctn: Hart Hall, Oxford 1580.Family: See Edward Scott, brother of Thomas.

Son of Sir Thomas and Eliz., d. John Baker of
Sissinghurst, Kent.

Married 1) Mary, d. John Knatchbull of Mersham,
Kent by whom 1s. who died before Thomas.

2) Eliz., d. Thomas Honeywood of
Elmstead, Kent.

Lands: Seat: Brabourne and Scott's Hall, Smeeth.
Holdings in Brabourne/Smeeth area.

Wealth: IPM evaltn: £114 11 8+ (MS defective)
Subsidy: £40

Offices: JP '96: quorum
'03: quorum
'88-9: captain
'97: captain?
'08: captain
'08: commiss. for survey of Crown lands
in Kent.

Other: MP '86: Aylesbury

SCOTT(2)

Sources: Foster, Alum.Oxon., p.1325; Harl.Soc.Publtns., xlii.127-29; PRO C 142/322/178; PRO SP 12/Case F; C 181/1; SP 12/208/25; BM Ad.33924, fo.23a; Eg. 860, fo.29b; J.R.Scott, Memorials of the Family of Scott ... (1876), p.213; Hist. of Parlt. sub Scott, Thomas; PRO E 179/127/565.

SEDLEY, JohnNovember 1620

Born: c.1597

Died: August 1638

Ktd: 1616?

Bart: 1618

Edctn: Lincoln's Inn admission 1610

Magdalan, Ox. 1609? - BA 1612

Family: Kent early 14th century at least.

Son of Sir Wm., Bart.(q.v.), and Eliz., d. and
h. Stephen Darrell of Spelmonden, Kent.

Married Eliz., d. and h. Sir Henry Savill,
provost of Eton College, Berks., by whom 3s. and
2ds.

Lands: Seat: Southfleet, near Gravesend, Kent.

Holdings: some concentration on Southfleet
and=Aylesford, though others were widely dispersed
along the north coast of the county, and in the
south-east, inc. some in Romney Marsh.

Additional: Leics., London, Essex.

Wealth: IPM evaltn: £136 17 3

Subsidy: £40, £30

Feodary certificate: £2264 15 10 for lands in
the four counties (£1168 15 10 from Kent lands)

Will: bequests of £24000+

Offices: JP '19:

'25: quorum

SEDLEY (2)

Other: Left money in will for foundation of a free school in Southfleet and in Wymondham, Leicestershire.

J.S. called Carlton's 'first and chief acquaintance'.

Sources: Shaw, ii.158; GEC, Comp. Bartge., i.73; Lincoln's Inn Admissions, i.153; Foster, Alum. Oxon., 1332; Hasted, ii.430; Berry, pp.230-31; Harl. Soc. Publtns., xlii.60; PRO Wds.7/92/268; PRO E 179/127/572, /128/605; Wds.5/20; Ind.4211, 19 March; BM Harl. 1622, fo.38b; PCC 130 Lee; Hasted, ii.435; PRO SP 14/117/68.

SEDLEY, WilliamNovember 1589

Born: c.1558

Died: Feb. 1619

Ktd: 1605

Bart: 1611

Edctn: Hart Hall '74

Balliol and BA '75

Lincoln's Inn admission '76

Called to bar '84

Family: See John Sedley, son of William.

Son of John esq. of Southfleet and Anne, d.
John Culpepper, of Aylesford, Kent.

Married Eliz., d. and h. Stephen Darrell of
Spelmonden, Kent, by whom John.

Lands: Seat: Southfleet, near Gravesend.

Holdings: some concentration on Gravesend and
Aylesford, though as with son John there is much
distribution through the county.

Additional: Leics., Essex, Warks., Bucks.,
London, Herts., Sussex.

Wealth: IPM evaltn: £307 6 4

Subsidy: £35

Evaltn. for loan: £33

Will: bequests of £2360+

Offices: JP '84: quorum

'92: quorum

'88: captain

SEDLEY(2)Offices(contd)

'92-3: commiss. for purveyance

'09: commiss. for collection of aid

'16: commiss. for charit. purposes

Other: Religion: straightforward committal of soul to God.

Sedleys are spoken of by Manningham as having great wealth, and the indications are that this was certainly the case. W.S. also a prominent bencher of Lincoln's Inn, noted for his great learning, and he lent the Inn considerable sums of money.

Sources: Shaw,ii.139;GEC,Comp.Bartge.,i.73;Lincoln's Inn Admissions,i.84;Lincoln's Inn Black Books,i.436; Foster,Alum.Oxon.,p.1356; Harl.Soc.Publtns.,xlii.60;Berry,pp.230-31;PRO C 142/376/101;Hasted,ii.429,456,460,462;iii.353,488;iv.428,433,436;v.329,563;viii.370,416;x.33;PRO Wds.5/20; E 179/127/569; Stafford CRO D 593/S/4/10/8;PCC 29 Parker; BM Lansd.737,fo.143a; KRO QM/Sess.Rolls; Stafford CRO D 593/S/4/10/22;PRO SP 12/245/69;/208/25; SP 14/47/66;/88/28;S.R.Gardiner(ed.) The Diary of John Manningham,Camd.Soc.(1868),pp.20-21; Lincoln's Inn Black Books,ii.105,108,150,260.

SMITH, JohnNovember 1600

Born: 1557

Died: November 1608

Ktd: 1603

Edctn: Middle Temple admission '75.Family: John's father was Customer Smith, and he seems to have moved from Wilts. to London, and then bought land in Kent.

2nd son of Thomas esq., and Alic, d. Sir Andrew Judd of London.

Married Eliz., d. of John Fineux esq(q.v.) of Herne, Kent, by whom 2s. and 6ds. Son Thomas married in 1621, Barbara, d. and h. Rob. Sidney, Earl of Leics. and was in 1628 created Viscount Strangford.

Lands: Seat; Westenhangar, near Ashford

Holdings: main concentration on Ashford and Canterbury areas, and some around Faversham and in the N.W. at Erith.

Wealth: IPM evaltn: £260 13 4

Subsidy: £20, £60

Will: bequests of £3900+

Interest in copper?

Offices: JP '96

'02: quorum

'88-9: captain

'05: dep. gov. Mines Royal

SMITH (2)

Other: Religion: will has an elaborate relig. preamble discoursing on life which passes away 'as a shadowe and falleth as the flower or grasse of the field'. He is elected for salvation by merits of Jesus Christ and no other means.

MP '84 Aylesbury

'86, '88, '03-4 Hythe

John's brother Thomas was sheriff of London and implicated in Essex' rebellion, for which he was imprisoned. Later became Treasurer of Virg. Co., quarrelled with Edwin Sandys(q.v.) and resigned after charges made against him of enriching himself from Co's. funds.

Sources: Shaw, ii.105; H. Sturgess, Middle Temple Admissions i.40; GEC, Comp. Prge., xii.pt.1, 388; Harl. Soc. Publtns., xlii.113-14; A.J. Pearman, Ashford (Ashford 1886), p.20; PRO Wds. 7/42/148; Hasted, vii.529; viii.74, 123, 214, 290, 304, 511; ix.79, 88, 608-09; x.148; xii.239; PRO E 179/249/5, /127/508; PCC 43 Dorset; APC, xxv. 126-27; PRO SP 12/Case F; KRO QM/Sess. Rolls; HMC Salis., xvii.63; Arch. Cant., xi.390; Hist. of Parlt., sub Smith, John; DNB sub Smith, Sir Thomas.

STEDE, WilliamNovember 1612

Born: c.1565

Died: 1621

Ktd: 1603

Edctn: Hart Hall, Oxford 1583Family: At Harrietsham in Kent mid-15th century at least.Son of William esq. and Joan, d. John Pordage
of Rodmersham, Kent.Married Cecily, d. John Culpepper of Wigsell,
Sussex.Lands: Seat: Harrietsham, near Maidstone.Holdings concentrated on Harrietsham and Lenham,
and some in Romney Marsh.Wealth: IPM evaltn: £63 10 0

Subsidy: £20

Will: bequests of small amounts.

Evaltn. for loan: £16

Other: Religion: emphasis on merits of Jesus Christ
in will.Sources: Shaw,ii.123;Foster,Alum.Oxon.,p.1415; Hasted,v.
449; Harl.Soc.Publtns.,xlii.71-2;PRO C 142/513/20;
Hasted,v.552; PRO E 179/127/536; PCC 39 Drake;
PRO C 181/1; KRO QM/Sess.Rolls '13; Stafford CRO
D 593/S/4/10/8.

TWISDEN, RogerDecember 1599

Born: 1542

Died: November 1603

Ktd: --

Edctn: Gray's Inn admission 1559.Family: In Kent 13th century at least.

Son of William esq. of Chelmington, Kent, and
Eliz., d. and h. Thos. Roydon of E. Peckham.

Married Anne, d. Thos. Wyatt of Allington, Kent,
by whom 3s. and 3ds. (5 others dying)

Lands: Seat: E. Peckham, near Tonbridge.

Holdings: concentration on E. Peckham, and area
to S. of Ashford and Romney Marsh.

Additional: Essex. London.

Wealth: IPM evaltn: £153 11 8

Subsidy: £35

Evaltn. for loan: £35

Will: bequests of £1550+

Offices: JP '96: quorum

'03: quorum

'83 and after: captain

'90: commiss. for musters

Sources: Foster, Gray's Inn Admissions, p.27; J.R.Twisdén,

The Family of Twisdén and Twysdén(1939), p.3, 13;

Harl.Soc.Publtns., xlii.134-36; PRO Wds.7/27/141;

Hasted, v.97, 99, 100, 111, 113, 124, 190; vii.160; viii.

TWISDEN (2)Sources(contd)

277,416;PCC 46 Harte; J.R.Twisdén,op.cit.,
pp.102,106-09; PRO E 179/127/515; Stafford CRO
D 593/S/4/10/8; PRO SP 12/Case F; KRO QM/Sess.
Rolls '03; J.R.Twisdén,op.cit.,p.103; G.Scott
Thomson, Twisdén Lieutenancy Papers (1926)
pp.8,74.

WILLOUGHBY, ThomasNov. '73; Nov. '90

Born: Died: 1596

Ktd:

Education: Magdalen, Camb. 1551

Lincoln's Inn admission 1558

Family: Family from Lincs. though marriage of Sir Thomas, grandfather of Thomas, to d. of Rob. Read of Bore Place, Chiddingstone.

Son of Robert and Dorothy, d. Sir Edward Willoughby of Wollerton, Notts.

Married Cath., d. Sir Percival Harte of Lullingstone, by whom 6s. and 5ds.

Lands: Seat: Bore Place, Chiddingstone, near Tonbridge.
Holdings concentrated on Chiddingstone and Sundridge area.

Additional: Midds.

Wealth: IPM evaltn: ---

Subsidy: ---

Bore Place sold 1609 - £8000 offered for it
Claim in Star Chamber action that his lands in Kent worth £500 p.a. at time of death.Offices: JP '76-7: quorum

'93: quorum

'80: captain

'84: commiss. for musters

WILLOUGHBY (2)Offices(contd.)

'84: captain

'88: captain

'90: captain

Other: MP '93 Downton

Religion: called to assist investigation of suspected papists in Kent.

T.W. involved in extensive litigation concerning titles to lands, and was also defendant in a long case in which he was charged with forcible entry and taking bribes during his shrievalty 1590-91.

Sources: Venn, Alum.Cantab., iv.423; Lincoln's Inn Admissions, i.64; Hasted, ii.133, 219-20; E.Foss, The Judges of England (1857), v.231; Arch.Cant., v.28; xlviii.179; Harl.Soc.Publtns., lxxv.48-9; PCC 53 Drake; KRO U 1000/3/E 23; Hasted, iii.221, 249, 285; HMC De L'Isle and Dudley, iv.169; PRO St. Ch.5/C33/10; /C45/20; SP 12/121; KRO U 350/03; PRO SP 12/139/43; /172/99; /208/25; KRO U 1000/3/05/20; Hist. of Parlt., sub Willoughby, Thomas; PRO SP 12/182/26; e.g. PRO St.Ch.5/G1/20; Req. 2/204/44; /276/43; /264/26; St.Ch. 5/J1/1; J11/9; W12/38; St.Ch.7/13/6.

WITHENS, WilliamNovember 1609

Born:

Died: December 1631

Ktd: 1603

Edctn: --

Family: William himself probably responsible for the move to Kent - his father of London.

Son of Robert, Alderman and Vintner, and Margt., d. Thomas Parke of Lincs.

Married Mary, d. Wm. Gilbourne of London and sis. of Nicholas (q.v.), by whom 6ds. and 5s.

Lands: Seat: Southend in Eltham, north Kent.

Holdings: Eltham and East Greenwich.

Wealth: IPM evaltn: £11 11 0

Subsidy: £20

Offices: JP '04: quorum

'13: quorum

'00-01: collector of 1/15 and 1/10

Other work for privy council concerning setting up of new breweries, and prevention of spread of plague.

Sources: Shaw, ii.122; A. Beaven, Alderman..., i.348; Harl. Soc. Publtns., xlii.188-89; PRO C 142/715/4; Hasted, i.478; vii.503; R.R.C. Gregory, The Story of Royal Eltham (Eltham 1909), p.275; PRO E 179/128/606; BM Ad.38139, fo.136a; KRO QM/Sess. Rolls '13; PRO E 379/69; APC '19-21, pp.202-04; APC '23-5, pp.290-91; APC '25-6, p.357.

WOTTON, EdwardNovember 1594

Born: 1548

Died: May 1628

Ktd: 1592

1603 cr. Baron Wotton of Marley

Edctn: Gray's Inn admission 1587-88

MA Camb. 1594-95

Family: To Kent c. end 14th century.

Son of Thomas esq. and Eliz., d. Sir Rbb.

Rudstone, Lord Mayor of London

Married 1) Hestor, d. Sir Wm. Pickering of
Yorks., by whom 3s. and 2ds.2) Margt., d. Philip 3rd Baron Warton,
of Yorks.Lands: Seat: Boughton Malherber, near Maidstone.Holdings: concentration on Maidstone area,
though extensive holdings in N.W. of Kent and on
Thanet.Additional holdings in Warks., Yorks., Derbs.,
London.Wealth: IPM evaltn: £213 12 0

Subsidy: £200

Claimed to be in financial difficulties 1626
when his subsidy rating was increased by 50% -
estate 'impaired' by £1000.

Evaltn. for loan: £70

Large salaries from posts as Controller and
Treasurer of Household.

WOTTON (2)

Offices: JP '92: quorum
 '96: quorum
 '99: treasurer of camp raised to meet threat
 of Sp. attack
 '03-21: ld.ltt.
 '16: commiss. charit. inqustns.
 '20: commiss. eccles. causes
 '88: gent. privy chamber
 '02: Privy councillor and controller of
 Household
 '12: on commission of Treasury
 '16: Treasurer of Household
 Ambassadorial work for Eliz. and James in
 Vienna, Portugal, Scotland, France.

Other: MP '84 Kent

Religion: became a Roman Catholic at some point,
 probably about 1610, though he kept the fact well
 disguised.

Death later than Dict.Natl.Biog. which cites
 documents calendared as being sent to Ed's son
 Thomas. In fact they are merely addressed to
 'Lord Wotton', and not 'Thomas Lord Wotton'.

Sources: DNB sub Wotton, Edward; Shaw, ii.90; GEC, Comp.
Prge., xii.pt.11, 865-67; Foster, Gray's Inn Admissions,
 p.72; Venn, Alum.Cantab., 466; Hasted, v.400; Harl.

WOTTON (3)Sources(contd)

Soc. Publtns., lxxv.77-9; PRO C 142/451/99; SP 14/14/15; Hasted, ii.116; iii.307; iv.473; v.401-02, 408, 452, 457, 522, 531; vii.56, 122, 241, 451; viii.426; x.32-3, 280; PRO Ind.6800, July '94; PRO E 179/70/125; PRO SP 16/39/36; Stafford CRO D593/S/4/10/8; G.E.Aylmer, The King's Servants (1961), p.205; KRO QM/Sess.Rolls; PRO SP 12/Case F; CSPD '98-01, p.282; G.Scott Thomson, Twisden Lieutenancy Papers (1926), pp.8-9; PRO SP 14/88/28; Rymer's Feodara (1742), vii.pt.3, 134-37; APC, xxxii.490; McClure(ed.), Letters of John Chamberlain, i.358; A.J. Loomie, 'A Jacobean Crypto-Catholic: Lord Wotton', Catholic Historical Review, liii (October 1967); H.Foley, Records of the English Province of the Society of Jesus, vii.1118-20; CSPD '25-6, p.560; PRO SP 38/13, Feb.6; CSPD '28-9, p.15; PRO SP 38/14, March 13.

APPENDIX B :

The Sheriff accounting at the Exchequer
and the Nature of the Pipe Roll

The manner in which the sheriff paid his money into the exchequer and accounted for it was very complex and governed by a rigid formality characteristic of that court, but what needs to be emphasised at this point is that the payment of cash and the process of formally accounting for it might be distinct and separate phenomena.¹ Most commentators on the practice of the exchequer agree that the sheriff was summoned to appear at Easter and Michaelmas. At his Easter attendance, he should bring about half of what he had managed to gather from his charge for the customary revenues of the county, together with any other issues of the office he had so far collected. The remainder was paid at Michaelmas. These 'proffers' were receipted by means of tallies, and accounted for at times agreed upon by the barons of the court. These times may

1. For the process of accounting, and the nature of the pipe roll, see: C. Johnson, The Pipe Roll of 2Richard I (Pipe Roll Soc., new ser., i. 1925), pp. xiii-xxiii; T. Madox, The History... of the Exchequer (1711), pp. 644 seqq.; J. Gilbert, Treatise on the Court of Exchequer (1758), pp. 113-17, 144-57; 'Dialogus de Scaccario' in Douglas & Greenaway (eds.), Eng. Hist. Docts., 1042-1189 (1953), pp. 490-569; BM Lansd. 166, fos. 83 seqq.; Lansd. 167, fo. 29a.

have fallen in the same term as the proffers,¹ but the sheriff could account in terms other than Easter and Michaelmas.²

On the roll will be found a record of each sum of money for which the sheriff has been held responsible during his term of office, together with his answers for each item, whether they be in the form of payment, or non-payment accompanied by an excuse or an explanation. As far as Kent is concerned, the recitation of these charges takes up three or more sides of parchment, and they fall into several categories. First to appear is the statement of the traditional indebtedness of the sheriff for the farm of the county. This is followed by farms owed by individuals, or groups of individuals, and they may represent payments made to the crown in return for grants of land made hundreds of years before, or quite recently. One item, which naturally recurs throughout the period, is a sum of £12 owing from the citizens of Rochester 'for the fee farm of the city to have and to hold from 14 December 1461 to the said citizens and their successors of the king and his heirs for ever'. This is a relatively old royal grant, but some accounts have examples of more recent ones, for instance that of Thomas Sandes, sheriff

1. C. Johnson, *op.cit.*, pp.xvi-xvii.

2. BM Lansd.166fos.83seqq.

in 1580-81, where £3 5 3 per annum is due for the manor of Burmarsh which had been part of the 'late dissolved' monastery of St Augustine and rented out in the fifth year of Elizabeth's reign, less than twenty years before the time of the account.¹ Beyond these farms there are usually a number of small sections headed 'oblata' which record debts outstanding from specified and often very recent years. These are frequently Star Chamber fines, but other debts could be involved.²

There follows a long section headed 'nova oblata'. This term has been defined as denoting 'that section of the pipe roll containing items of revenue not shown in previous years'.³ It is therefore in this section that the profits of justice are recorded every year: details of fines, amerciaments and issues from the various courts of the country, both local and central, are set out under a composite total. These are 'casual' rather than 'certain', or fixed, revenues, and the sheriff is required to levy them on the basis of a writ issuing from the clerk of the estreats, traditionally sealed with green wax. They are therefore called the green wax issues or profits. Debts owed to the crown by individuals are enrolled after these green wax sums.

1. E 372/426.

2. See e.g. E 372/426-28, 447.

3. R. Latham (ed.), Revised Medieval Latin Word List (1965), p. 318.

Most commonly, they are subsidy assessments, both lay and clerical, which are as yet unpaid, similar arrears for fifteenths and tenths, farms, Star Chamber fines, and sheriffs' fines.¹ The continuation of former sheriffs' accounts from the rolls of their own year will also appear in this section.

But the sheriff himself is not directly responsible for all these various debts listed under the names of individuals. He must attempt to collect the sums which are in charge to him,

'... each individual charged being severally allowed, or continuing to be indebted in his own name. Hence these separate entries are more fitly regarded as an appendix to the sheriff's personal account, forming a register of the king's debtors for whom collectively he answered.' 2

In other words, these items were only formally charged to the sheriff's account, and this allowed him to pay in money on behalf of the individuals concerned if he was able to. Otherwise, the debts remained in their names rather than the sheriff's.

The second main point about the nava oblata items which needs to be emphasised is that the currently accounting sheriff does not account for the items in the section on his own roll. At the head of the section, before the green wax total is given, the following sentence appears:

1. See Chapter on Sheriffs' Fines.

2. Introduction to the Pipe Roll (Pipe Roll Society, iii (1884)), p. 47.

'This sheriff owes £X from further debts
(debitis pluribus) set out under the names
in the preceding roll.'

His collective answer therefore, is for debts which appear in the nova oblata section of the roll before his own, and which had not been accounted for by the individuals concerned when that roll was made up. The figure for further debts, with which the currently accounting sheriff is charged, is a total of outstanding debts carried over from last year's roll. Similarly, debts recorded in this section of his own roll may be represented in the composite total at the head of the same section in the following roll unless they are accounted for in the meantime.

Somewhere in the middle of the nova oblata section there is a block of closely-written script which gathers together all the totals with which the sheriff has been charged into a number of greater totals (summae). This is what we may term the summarised account, and it is divided into two sub-sections; the first is a re-statement of the farm of the county; while the second lists all the other amounts under various headings. The summae are recorded at intervals throughout, and are followed in the course of the block by a list of particular parts of these large debts which the sheriff is excused from paying for a number of reasons and which are therefore deducted from the grand total. The summae may in fact

be whittled away to nothing in this manner in the same roll, and the sheriff thus discharged; but the process more commonly occurs over two, three or even more rolls. In this case, the sub-section of the account will end with a figure representing what the sheriff still owes after the deductions, and an indication of the roll where the record of the account continues.

APPENDIX C :

Writs

This is not intended to be an exhaustive list, but it takes account of the commonest forms of writs which occupied a major part of the shrievalty's attention.

Capias: ordered the sheriff to take, or 'attach', the person, or persons, named in it. Broadly speaking, there were two kinds of capias: those which were intended to allow the course of law to run to a judgement; and those which aimed to give effect to judgement once it had been given. In the second case, the writ instructed the sheriff to arrest a party who had been found guilty of debt, and to detain him in prison until he had satisfied that debt. In the first case, it was a way of securing attendance at court and so compelling the defendant to hear the complaints made against him. If the alleged offence was a felony, then the capias would be issued in the first instance; but the less serious matters of misdemeanour and trespass required that it should be issued only if the party failed to respond to the preliminary sorts of writ which warned him to appear at court of his own accord. (See Distringas and Venire facias).

Distringas: drawn up to secure the presence of

people at court. It could name jurors, or defendants to charges of trespass or misdemeanour, and it gave the sheriff the power to distrain, that is, take into custody, their goods and the issues of their lands. He need return them only if the persons had attended court at the appropriate time. The distringas was issued if a venire facias (q.v.) had failed to induce parties to come to court, and when the sheriff stated, in his endorsement of the venire, that there were in fact goods by which they could be distrained.

Elegit: executed against a party found guilty of debt and who had no goods through which the debt could be paid. It authorised the sheriff to deliver half the party's lands to the creditor, who was entitled to hold it and its profits until he had recovered his money. In executing this writ the sheriff called on the services of a jury which estimated the value of the defendant's lands. On the basis of its findings he took the moiety; that is to say, sufficient lands to yield one half of the total value.

Exigi facias: issued after the party's failure to appear at court, where there was nothing by which he could be distrained to appear, and where he could not be found to be arrested on a capias. The writ called for the exaction of the party in the county court: it

was publicly stated at up to five consecutive monthly meetings of the court that he should appear before the law. Failure to appear at the county court by the fifth session rendered the party utlegatus, outside the law, outlawed.

Fieri facias: required the sheriff to recover debts from the goods (which included leases of lands) of the defendant. As with the elegit, a jury was summoned to estimate the extent of the goods, and the sheriff made his seizure on the basis of its findings. Commentators at the time emphasised the necessity for ascertaining that the goods seized did actually belong to the defendant; otherwise, the officer who executed the process was liable to trespass against an innocent party's property.

Levari facias: similar to the elegit. It authorised the levying of money from lands and tenements (de exitibus et proficuis terrae). The writ was in existence in 1285 when the 2nd Statute of Westminster (c.18) provided the elegit for the recovery of debts, but the Court of Wards used it during the period under discussion as a means of instructing the sheriff to recover outstanding issues from lands in its jurisdiction.

Scire facias: a writ which merely told the sheriff to acquaint the party with the fact that his attendance was required at court to show any reason why a judgment,

already given, should not be carried out.

Venire facias: instructed the sheriff to warn the defendant to appear. The sheriff's endorsement often included a statement as to whether the party had sufficient goods by which he could be distrained if he failed to appear in response to the venire facias. If he had goods, the next writ would be a distringas; if he had none, he would be arrested on a capias. The venire facias was also used to summon juries.

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